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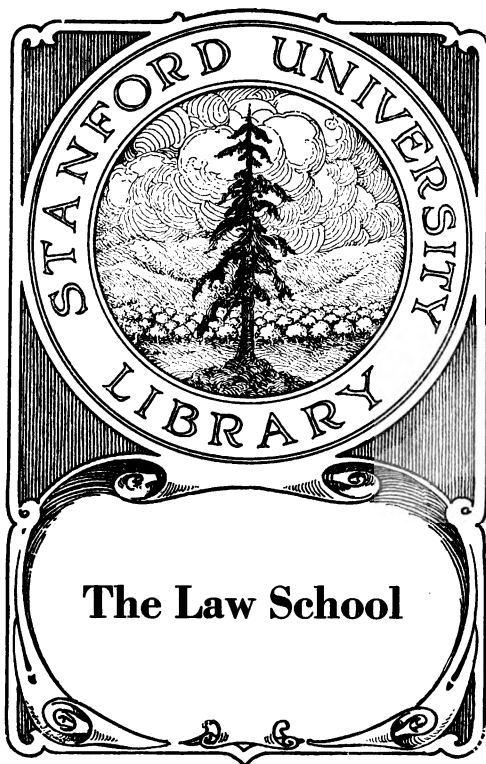
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# ACTS

PASSED AT THE ANNUAL SESSION OF THE

## GENERAL ASSEMBLY

*John M. McCormick*  
OF THE

## STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON  
THE FIRST MONDAY IN DECEMBER, 1844.

---

BEN. FITZPATRICK, *Governor.*

NATHANIEL TERRY, *President of the Senate.*

ANDREW B. MOORE, *Speaker of the House of Representatives.*

---

TUSCALOOSA:  
JOHN M. MCCORMICK, STATE PRINTER.

1845.

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# LAWS OF ALABAMA...

[No. 1.]

AN ACT

1844.

To enable the Citizens of the Town of Huntsville, to change the mode of electing a Town Constable.

WHEREAS, sundry citizens of the Town of Huntsville, have petitioned the General Assembly to pass an act so altering the act incorporating said Town, as to give the election of Town Constable to the people: And, whereas, sundry other citizens of said Town have petitioned the General Assembly against the proposed alteration. Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That on the third Monday in December, instant, polls shall be opened in said Town of Huntsville, to take the vote of the citizens thereof upon said alteration.

Sec. 2. *And be it further enacted,* That said election shall be held under the same rules and regulations as other elections in said corporation.

Sec. 3. *And be it further enacted,* That each voter shall indorse on his ballot, "For the alteration," or "Against the alteration;" and if upon casting up the votes it appears that a majority of those voting, have voted for the alteration, it shall be the duty of the Mayor to give notice thereof in some newspaper printed in said corporation, for an early period for holding an election of Constable for the ensuing year, at which time, and at every succeeding regular election thereafter, of Mayor and Alderman for said Town, a Town Constable shall

Constable to  
give bond.

likewise be voted for, and the person receiving a majority of the votes for said office of Town Constable, upon giving such bond and security, not to exceed one thousand dollars, as may be required by the Mayor and Aldermen of said Town of Huntsville, shall hold and exercise the office of Town Constable for the period of one year.

Repeal.

Sec. 4. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 12th December, 1844.

[No. 2.]

### AN ACT

To extend the time of the County Court of Perry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the February term of the County Court of Perry county, shall continue in session six days, instead of four, as now provided by law.

Approved, 18th December, 1844.

[No. 3.]

### AN ACT

In relation to payment of claims against the County of Sumter, and for other purposes.

Sheriff, &c.,  
to receive  
claims in pay-  
ment of fines.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be lawful for the Sheriff and Clerks of the County and Circuit Courts of Sumter county, to receive in payment of fines, forfeitures and other dues to said county, all claims properly chargeable to said county, which are duly authenticated, and have been registered by the Treasurer, any law to the contrary notwithstanding.

Extended to  
De Kalb.

Sec. 2. *And be it further enacted*, That the provisions of this act, be extended to the County of De Kalb.

General pro-  
vision.

Sec. 3. *And be it further enacted*, That in the payment of all fines and forfeitures or other dues to the State or counties, the notes of the Bank of the State of Alabama and its Branches, shall be received.

Approved, 18th December, 1844.

[No. 4.]

## AN ACT

To emancipate slave, Gertrude.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in consideration of the faithful and meritorious services of said slave, Gertrude, as set forth in the petition of Julie Allain, her owner, the said Gertrude is hereby emancipated, and set free, saving the rights of creditors and others: *And provided*, that the said Julie Allain shall first file her bond with security in the penalty of two hundred dollars; the said bond to be payable to the Judge of the County Court of Mobile county, and his successors in office, to be filed in said office, and conditioned for the payment of all necessary expenses in case, the said slave should hereafter become a county charge.

Gertrude  
emancipated

Approved, 18th December, 1844.

[No. 5.]

## AN ACT

To prevent the Judges of the Circuit and County Courts from giving and signing Bills of Exceptions in vacation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall not be lawful for any of the Judges of the Circuit or County Courts to give or sign bills of exceptions, after the adjournment of the Court at which they may preside, and at which the exception may be taken: *Provided, however*, by the consent of counsel reduced to writing, a longer time may be allowed, not to extend beyond ten days from the adjournment of said Court.

Exceptions—  
what time  
may be sign-  
ed.

Sec. 2. *And be it further enacted*, That it shall be the duty of each Judge of the Circuit and County Courts when they sign a bill of exceptions, to add thereto the correct date of such signing.

Approved, December 20, 1844.

[No. 6.]

## AN ACT

To authorize certain persons therein named, to erect a mill dam.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That George Holloway and Lewis L. Rhea, are hereby authorized to erect a mill dam across Wills Creek, in fractional section nine, township twelve, of range five, east, in Cherokee county, of not more than five feet high, for the purpose of a grist and saw mills, any law to the contrary notwithstanding.

Approved, 24th December, 1844.

[No. 7.]

## AN ACT

To authorize the Judge of the County Court of Dallas County, to permit Robert J. Ware, Administrator of the Estate of Thomas O. White, deceased, to sell the Real Estate of said intestate, and for other purposes.

Authorized to  
sell lands.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall and may be lawful for the Judge of the Orphans' Court of Dallas County, upon the petition of Robert J. Ware, administrator of the estate of Thomas O. White, deceased, of said County, to sell all the real estate of said intestate, situate in said County, and to make titles for the same: *Provided*, that the said Judge of the said Orphans' Court, shall be fully satisfied on the proofs furnished to him, that it will be to the interest and advantage of the heirs at law of the said Thomas O. White: *And provided further*, that the said Robert J. Ware, shall previous to such sale, give bond and security to the said Judge and his successors in office, in double the value of said lands, conditioned that the said Robert J. Ware shall faithfully account and pay over to the heirs at law of the said Thomas O. White, deceased, or their legal representatives, the full amount of such sale, with such interest as may accrue thereon.

To invest pro-  
ceeds.

Sec. 2. *And be it further enacted*, That upon the sale of said lands, the Judge of said County shall have power and authority by his order or decree to permit the said administrator of said estate, to invest the proceeds of the sale of said lands, either in other lands, or personal property, as the said Judge may think will be most for the interest of the heirs at law of said intestate.

Approved, December 25, 1844.



[No. 8.]

## AN ACT

For the relief of James H. Rains, of Blount County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be, and he is hereby authorized and empowered to remit the whole, or so much of the fine imposed upon James H. Rains, at a term of the Circuit Court of Blount County, in said State, in September, eighteen hundred and forty-four, as may appear just and proper on a full hearing of all the facts, touching an assault and battery, charged to have been committed by the said James H. Rains, upon one Hiram K. Niblett.

Approved, January 1, 1845.

[No. 9.]

## AN ACT

To impose restrictions on the City Council of the City of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall not be lawful for the City Council for the City of Montgomery, in any case in which the tax levied is estimated by the per centum of valuation, to levy or collect a greater or higher tax than one-fourth of one per cent. on the cash value of the things taxed. Tax limited.

Sec. 2. *And be it further enacted,* That it shall not be lawful to allow or pay the Mayor of said City, a compensation, including office rent, and all other things furnished at the expense of the Corporation, greater than five hundred dollars, per annum, for his services as Mayor. Compensation of Mayor

Sec. 3. *And be it further enacted,* That if the Mayor of said City, shall take or receive any other fee, gift, gratuity or reward whatsoever, for any act or service by him performed, in virtue of his office, other than the salary provided by the second section of this act, he shall be therefore indictable in the Circuit Court of Montgomery County, and on conviction, shall be fined at the discretion of the jury trying the same; and moreover, be thereby rendered ever after, ineligible to the said office.

Approved, January 3, 1845.

To authorize James Dent and others, to build a Bridge across the Tallapoosa River, in Tallapoosa County.

May erect  
Bridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That James Dent, Augustus Holt, Lemuel Merrill, Archibald Calhoun and James E. Cosby, are hereby authorized to build a Bridge across Tallapoosa river, in the County of Tallapoosa, on section thirty-one, township twenty, and range twenty-two, and on fraction G, of section one, township nineteen, and range twenty-one: *Provided,* that the said James Dent, Augustus Holt, Lemuel Merrill, Archibald Calhoun and James E. Cosby, or any one of them shall be the owner or owners of the land on which said Bridge is built.

Ferriage.

Sec. 2. *And be it further enacted,* That said James Dent, Augustus Holt, Lemuel Merrill, Archibald Calhoun and James E. Cosby, shall be entitled to such ferriage as the Commissioners Court of Roads and Revenue shall allow:

Liability of  
stockholders  
for damage.

Sec. 3. *And be it further enacted,* That the said James Dent, Augustus Holt, Lemuel Merrill, Archibald Calhoun and James E. Cosby, shall be liable for all damages that may be done to any passenger or passengers, or their property, in crossing the said Bridge, if occasioned by neglect on the part of the proprietors of said Bridge, or any of their agents or hands; and that said Bridge shall be commenced in twelve months, and be completed during the next three years.

Name and  
style.

Sec. 4. *And be it further enacted,* That the said James Dent, Augustus Holt, Lemuel Merrill, Archibald Calhoun and James E. Cosby, shall have the power of a body corporate to contract debts, under their corporate capacity, by the name and style of the Tallapoosa and Macon Bridge Company: *Provided,* that all their private property shall be liable for all debts, that said corporation may contract.

May alter  
road.

Sec. 5. *And be it further enacted,* That the said James Dent, Augustus Holt, Lemuel Merrill, Archibald Calhoun and James E. Cosby, shall have the right to so alter the road, leading from West Point to Wetumpka, and known as the Lander's Ferry road, and crossing the river on said lands: *Provided,* they do so at their own expense, and make it a good wagon and carriage road.

Annual meet-  
ings.

Sec. 6. *And be it further enacted,* That the said James Dent, Augustus Holt, Lemuel Merrill, Archibald Calhoun and James E. Cosby, shall as a body corporate, have the full management and control of the corporate property of said asso-

ciation; that they shall annually hold a meeting and pay to each stockholder, the dividend due on his stock: *Provided*, <sup>Proviso.</sup> there be any, and that a majority of the stockholders shall at all times have the right of disposing of said Bridge: *Provided*, that they pay to each stockholder the amount due him from said sale, at and before conveying the titles to said property: *And be it further provided*, that nothing contained in this <sup>Proviso.</sup> act shall be so construed as to confer on said corporation or association, banking privileges.

Sec. 7. *And be it further enacted*, That if the said Bridge shall be completed within the time herein prescribed, and the same shall be approved of by the Commissioners Court of Talpoosa County, then and in that case it shall not be lawful for any other person or persons, to erect any other bridge, or establish any ferry within three miles of said bridge <sup>When completed.</sup>

Sec. 8. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent any further <sup>Reserved powers.</sup> legislation of the State of Alabama, from altering, modifying, or repealing this act of incorporation, after ten years from the passage thereof.

Approved, January 6, 1845.

[No. 11.]

## AN ACT

To require the Clerks of Pickens County to make and keep a reversed index to the several books of their offices.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Clerks of the Circuit and County Courts of Pickens County, be, and they are hereby required to make and keep reversed indexes to the books of record in their respective offices. <sup>To keep reversed index.</sup>

Sec. 2. *And be it further enacted*, That the Commissioners of Roads and Revenue of said County, shall designate by an entry on the records of their proceedings, such books as said clerks shall make such indexes for.

Sec. 3. *And be it further enacted*, That said Commissioners of Roads and Revenue are hereby authorized and required to allow to the said Clerks out of the County Treasury such <sup>Compensation.</sup> compensation as shall be reasonable and just for making such indexes to said books up to the present time.

Sec. 4. *And be it further enacted*. That it shall be the duty of the said Clerks, without additional compensation, to keep

Liability.

all such books and records as may hereafter accumulate in their offices, furnished with such indexes accurately made out; and on failure so to do, for six months together, shall be liable to a penalty of two hundred dollars, to be recovered by action of debt, at the suit of said Commissioners of Roads and Revenue for the use of the County.

Approved, January 6, 1845.

[No. 12.]

## AN ACT

In relation to the County Claims of Dale and Coffee Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, that all County claims in the Counties of Dale and Coffee, shall be received by the Tax Collectors of said Counties in payment of taxes accruing to said Counties, any law or usage to the contrary notwithstanding.

Tax collector  
shall receive  
county claims

Sec. 2. *And be it further enacted*, That in case said Tax Collector shall refuse to receive said County claims as aforesaid, he shall forfeit and pay ten dollars; to be recovered before any Justice of the Peace, of said Counties, with all costs that may accrue thereon; any law to the contrary notwithstanding.

Approved, January 6, 1845.

[No. 13.]

## AN ACT

To attach a part of the Camden beat to the Woodville beat, in Jackson County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That that part of the Camden beat in Jackson County, lying south of a line running from the north-west corner of Sutton Stephen's reservation, due west to the line of Madison County, be, and the same is hereby detached from the tenth brigade, second battalion, fifty-second regiment and ninth division, and that the same be attached to and become a part of the Woodville beat, in the said County, thirty-fifth regiment, tenth brigade, second battalion and ninth division; any law to the contrary notwithstanding.

Approved, January 6, 1845.

[No. 14.]

## AN ACT

In relation to the standard of Weights and Measures.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the standard of weights and measures received from the Secretary of the Treasury of the United States, be deposited in the care of the Secretary of State, whose duty it shall be to take care of the same until otherwise directed by law.

Approved January 6, 1845.

[No. 15.]

## AN ACT

To fix the compensation of Commissioners of Roads and Revenue of the Counties of Dale and Coffee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Commissioners of Roads and Revenue of the Counties of Dale and Coffee, shall be allowed one dollar per day for their services, instead of the fees now allowed by law to said Commissioners.

Approved, January 6, 1845.

[No. 16.]

## AN ACT

To prevent the Judge of the County Court, and Commissioners of Roads and Revenue of the County of Covington, from receiving any compensation for services rendered at a Commissioners Court.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall not be lawful for the Judge of the County Court, and Commissioners of Roads and Revenue of the County of Covington, to receive any compensation for services rendered at a Commissioners Court by said Judge and Commissioners.

No compensation allowed at Commissioners court.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, January 6, 1845.

[No. 17.]

## AN ACT

To emancipate negro slave, William.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in consideration of the faithful and meritorious services of the negro boy, William, as set forth in the petition of his owner, Patrick McLoskey, of the County of Mobile, that the said negro boy, William, is hereby emancipated and set free, saving the rights of the creditors of said Patrick McLoskey: *And provided,* that the said McLoskey shall first file his bond in the penalty of five hundred dollars, in the County Court of Mobile County, payable to the Judge of said County, and his successors in office, conditioned to pay the necessary expenses in case the said negro shall hereafter become a county charge: *And provided further,* that if said William shall at any time hereafter remove beyond the limits of Mobile County, he shall forfeit all the rights and benefits conferred by this act, unless such removal be beyond the limits of this State.

Approved, January 6, 1845.

[No. 18.]

## AN ACT

To enable the Judge of the County Court and Commissioners of Roads and Revenue, for the county of Franklin, to sell certain lands therein specified, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the Judge of the County Court and Commissioners of Roads and Revenue of the County of Franklin, whenever they, or a majority of them, shall deem it proper to sell, or dispose of by exchange or otherwise, a certain tract of land, lying in said County, known as the poor house tract, containing one hundred and sixty acres.

Sec. 2. *And be it further enacted,* That said Judge and Commissioners, as aforesaid, be, and they are hereby authorized to purchase another tract of land, containing not more than one hundred and sixty acres, lying in the County aforesaid, for the use and benefit of the poor of said County.

Sec. 3. *And be it further enacted,* That the title to said lands so obtained by purchase or otherwise, be made to the

Judge of the County Court of said County, and his successors in office: *Provided*, that the laws now in force in reference to the poor of said County, shall apply to any lands that may be hereafter purchased in the same manner as they are applicable to the lands now owned by said County in the manner above specified; all laws and parts of laws to the contrary notwithstanding.

Title, how  
vested.

Approved, January 10, 1845.

[No. 19.]

### AN ACT

For the relief of the creditors of Peter Buckhart.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the real estate of Peter Buckhart, deceased, who was an alien, and died in Warsaw, in the County of Sumter, Alabama, shall be liable to administration, and subject to all the laws, rules and regulations that it would have been, had he been a citizen of the United States.

Pen' estate to  
be sold.

Sec. 2. *And be it further enacted*, That any sale of the real estate of said Buckhart, deceased, made by order of the Judge of the County Court, shall vest as good a title in the purchaser as would be vested in him by such sale, had said Buckhart been a native citizen of the United States.

Title to vest  
in purchaser.

Approved, January 10, 1845.

[No. 20.]

### AN ACT

Relating to the Commissioners Court of Cherokee county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the Commissioners' Court of Roads and Revenue for the County of Cherokee, to pass an order, requiring the Treasurer of said county to pay over to the Town Commissioners, out of the proceeds of the sale of lots at the county site, an amount of money sufficient to pay for the land upon which the county site of said county is located, under an act to locate permanently the County site of Cherokee county, and for other purposes, approved January fifteenth, one thousand eight hundred and forty-four.

Approved, 6th January, 1845.

[No. 21.]

## AN ACT

To amend an Act, Incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church, in Dallas County.

Authorized  
to grant di-  
plomas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the President and Faculty of the Centenary Institute of the Annual Conference of the Methodist Episcopal Church, in Dallas County, may and they are hereby authorized and empowered to confer degrees and grant diplomas, in the same manner, and under the same rules and regulations as all other institutions of a similar character are authorized to do by law.

Approved, 6th January, 1845.

[No. 22.]

## AN ACT

For a special Term of the Commissioners' Court of Roads and Revenue, for the County of De Kalb.

Special term  
authori ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners' Court of Roads and Revenue, for the county of De Kalb, be required to hold a special term of said Court on the first Monday in November next, and every succeeding year thereafter, for the purpose of making the proper allowances to the Tax Collector of said county.

Approved, 6th January, 1845.

[No. 23.]

## • AN ACT

For the relief of Brittain McDaniel and Nancy Collins, of Fayette county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the marriage heretofore solemnized between Brittain McDaniel and Nancy Collins, of Fayette county, be, and the same is hereby legalized from the date of its consummation.

Approved, 6th January, 1845.



[No. 24.]

## AN ACT

For the relief of George W. Ptomy and others, of the County of Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the contract for lots No. four and five, entered into between George W. Ptomy and the Commissioners of the sixteenth section, of township eleven, range eleven, of the county of Wilcox, be, and the same is hereby rescinded and annulled, and all notes and liabilities which have accrued on said sale or contract, be barred, and rendered null and void; and the above described lots, revert to the aforesaid township: *Provided*, the purchaser be willing, and the majority of the <sup>Contract may be rescinded.</sup> *Provided*, <sup>Y</sup> qualified voters of said township have expressed their willingness to cancel.

Sec. 2. *And be it further enacted*, That all laws or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 6th January, 1845.

[No. 25.]

## AN ACT

For the relief of James T. May.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor is hereby authorized to remit the fine imposed upon James T. May, at the special term of the Circuit Court for the County of Mobile, Spring Term, in the year eighteen hundred and forty-four, or so much of the fine as may seem reasonable and proper under the circumstances.

Approved, 6th January, 1845.

[No. 26.]

## AN ACT

To change the name of John Miller, to that of John Perrett, Jr.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the name of John Miller, of Butler County, be changed to that of John Perrett, Jr.

Approved, 6th January, 1845.

[No. 27.]

## AN ACT

To amend an Act entitled an Act, to Incorporate the Town of Dayton, in Marengo county.

Authorized to  
elect Constable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the Intendant and Council of the Town of Dayton, in Marengo County, to elect a Constable.

Sec. 2. *And be it further enacted*, That so much of the charter as conflicts with the provisions of this act, be, and the same is hereby repealed.

Approved, 6th January, 1845.

[No. 28.]

## AN ACT

To authorize the Commissioners of Roads and Revenue, in the County of Henry to raise a Revenue in said county.

To levy tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Court of Roads and Revenue, in the County of Henry, be, and they are hereby authorized to levy a tax, not exceeding one hundred per centum upon the State tax, for county purposes.

Sec. 2. *And be it further enacted*, That the Tax Collector, in said County, be required to receive in payment of the tax, to be levied under the provisions of this act, all legal claims or demands, against said county, as far as the same may go; any law to the contrary notwithstanding.

Approved, 6th January, 1845.

[No. 29]

## AN ACT

Authorizing the formation of two Captain's Companies, in the county of Blount.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it may be lawful for the Regimental Courts Martail, in the fourteenth and ninety-first, Alabama militia, to form a Captain's Company in each Regiment, to consist of a less number of privates than forty; which Company or Com-

panies, when formed, shall be subject to, and perform all military duty or duties, that are now required by law to be performed by other Captain's companies, and that a majority of the commissioned officers in each Regiment shall be sufficient to constitute a Court Martial to form said Companies, or do any other business required of Court Martials; any law to the contrary notwithstanding.

Approved, 10th January, 1845.

[No. 30.]

## AN ACT

To amend the Road laws, in the Counties of Greene and Marengo.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it may be lawful for the Courts of Commissioners of Roads and Revenue, for the Counties of Greene and Marengo, to lay off said counties into road beats or districts, separate and distinct from the militia beats; the said beats in no wise to be altered or controlled by the Military officers within said beats in their military capacity. Road beats to be laid off.

Sec. 2. *And be it further enacted,* That the said Courts of Commissioners of Roads and Revenue, after the said Counties of Greene and Marengo shall have been laid off into road beats or districts, as specified in the above clause of this act, shall proceed to lay off said beats into grades or precincts, as directed in Clay's Digest, page five hundred and eight, in section six, of road laws. Grades of roads.

Sec. 3. *And be it further enacted,* That hereafter it shall be the duty of the Courts of Commissioners of Roads and Revenue, from and after the passage of this act, to appoint three discreet householders within each beat, to be called apportioners; also, one overseer for precinct, or part of road; the apportioners to hold their offices for four years, and the overseer for the term of two years. Apportioners to be appointed.

Sec. 4. *And be it further enacted,* That within twenty days from and after the said apportioners shall have been duly notified of their appointment, they shall proceed to take out a list of all the hands within their respective beats liable to road duty, and to perform all other duties required of apportioners in fourteenth section of road laws, Clay's Digest, page five hundred and ten; except they shall be required by this List of Hands to be made out.

act to apportion each owners hands, (as near as can be done, consistently with an equitable apportionment,) on the part or precinct of the road nearest the owner's residence or farm; and the said hands remain on the said portion of road assigned them during the four years of apportionment, except in cases specified in the next section of this act.

Restrictions  
on apportion-  
ment.

Sec. 5. *And be it further enacted*, That the apportioners appointed under this act, shall not alter the apportionment within the term of their service, except it may become necessary to do so by the removal of hands from the beat, and to open and supply new roads with hands; in that case, it shall be their duty to draw in some rateable proportion from the other precincts within their beats, so as to remedy the inequality in the apportionment produced by the said removal of hands from the beat, or other cause.

May fill over-  
seers vacan-  
cies.

Sec. 6. *And be it further enacted*, That the apportioners have power to fill any overseer's vacancy that may occur between the regular terms of the Commissioners' Court, and that they shall be required to notify the Court of said appointment at its first regular session thereafter, to be confirmed or rejected by them.

Application  
of duties.

Sec. 7. *And be it further enacted*, That all other duties pertaining to Commissioners, Apportioners and Overseers, as contained in the general road law, which do not conflict with the provisions of this act, shall be the same, and that the same penalties shall be inflicted as prescribed in the general laws, and in the same manner for a non-performance of the duties required of them under this act.

Act to be car-  
ried into ef-  
fect in nine  
months.

Sec. 8. *And be it further enacted*, That the Commissioners' Court of Roads and Revenue, be allowed nine months to carry into effect the provisions of this act, and that they shall be required to execute the same within that time, during which time the present road law to be in force in the said Counties of Greene and Marengo; after that, to be null and void as far as relates to the provisions of this act.

Restrictions  
on overseers.

Sec. 9. *And be it further enacted*, That no Overseer, in the counties aforesaid, shall have power to cut trees or shrubbery on any lot attached or appurtenant to any dwelling house, or designed for a dwelling house, without special permission from the owner or owners of said several lots, under the penalty of one hundred dollars; to be recovered by said owner or owners in any court of record in this State.

Sec. 10. *And be it further enacted*, That so much of the general road law of this State, as relates to the Counties of Greene and Marengo, as may come in conflict with the provisions of this act be, and the same are hereby repealed.

Approved, 10th January, 1845.

[No. 31.]

## AN. ACT

For the support of Paupers, in the County of Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court and the Commissioners of Roads and Revenue for the County of Talladega, <sup>Power of</sup> be, and they are hereby authorized whenever they or a major- <sup>Court:</sup> Court: ity of them, shall deem it necessary or expedient, to purchase and receive title to any quantity of land, within fifteen miles of the county seat of Talladega, not exceeding one quarter of a section; which title shall be made to the Judge of the County Court of Talladega County, and his successors in office, and shall vest in and be the property of said county of Talladega, for the purpose of erecting thereon, and maintaining a Poor House in said county.

Sec. 2. *And be it further enacted,* That the said Judge and Commissioners are hereby authorized to contract for the building of all necessary houses for the purposes herein mentioned, <sup>May contract</sup> and every thing else necessary to be done, the expenses of <sup>for building.</sup> which purchase of land, and contract, shall be paid out of the county treasury of Talladega county.

Sec. 3. *And be it further enacted,* That whenever it shall appear to the Court of Commissioners of Roads and Revenue <sup>Power for ad-</sup> of Talladega county, that any person or persons, is or are a <sup>mitting pau-</sup> subject of public charity and support, he, she, or they, so <sup>pers.</sup> soon as there be a Poor House in said county, may be ordered by said Court to be conveyed to the said Poor House, to be taken care of and supported; and said Court is hereby authorized to employ some suitable person to superintend said Poor House, and take care of all the poor of said County of Talladega placed within the same.

Sec. 4. *And be it further enacted,* That it shall be the duty of said Judge and Commissioners, or a majority of them, <sup>To meet at</sup> to meet at said Poor House, at least once in every three <sup>poor house</sup> months, for the purpose of examining into the condition of <sup>quarterly.</sup> the land, buildings, furniture, and treatment of the paupers; and the said Court shall have power to dismiss any person <sup>May dismiss</sup> who may be selected as superintendant, from the charge of <sup>superintend-</sup> said Poor House, at the pleasure of said Court, and to make <sup>ant.</sup> all such rules and regulations as to them may seem advisable, with due regard to economy and the comfort of the poor.

Sec. 5. *And be it further enacted,* That if any person or persons, shall be, by the authority aforesaid, conveyed to said <sup>May dismiss</sup> Poor House, to be taken care of and supported, he, she, or <sup>inmates of</sup> they, may be removed therefrom by the Court aforesaid, <sup>the poor</sup> <sup>house.</sup>

whenever, in the judgment and opinion of said Court, such person or persons, shall cease to be subjects of public charity.

Overseers of  
poor to be ap-  
pointed.

Sec. 6. *And be it further enacted*, That at the first Court of said Commissioners of Roads and Revenue, after said Poor House shall be built, the said Court shall appoint one discreet person in each Captain's beat, to act as overseer of the poor, whose duty it shall be to report to each term of said Court, what person or persons is, or are, within his beat, properly the subject of charity and public support, and whether such person or persons have gained a legal residence in said county; and the said Court shall inquire into the facts, and make such order as is required by the third section of this act, or such other order (if they should determine against such report) as said Court shall deem proper and expedient; and the said overseers so appointed, shall continue in office one year; and said Court shall, at each term thereof, fill all vacancies occasioned by death, removal, or otherwise.

Record of  
proceedings  
to be kept.

Sec. 7. *And be it further enacted*, That said Judge and Commissioners shall keep a book, and enter therein a statement of disbursements, and receipts, as well as a general record of all their proceedings in relation to said Poor House, and its inmates, and make an annual report of the same, to be entered upon said book; which book shall at all times be kept open for the inspection of said citizens of Talladega.

Superintend-  
ent shall give  
bond.

Sec. 8. *And be it further enacted*, That before any superintendant shall enter upon the discharge of the duties of his office, he shall enter into bond, with two or more good securities, payable to the Judge of the County Court of said County, and his successors in office, to be approved of by said Commissioners Court of Roads and Revenue, and in such penalty as said Court may direct, conditioned for the faithful discharge of his duties as superintendant of said Poor House, and said bond shall not be void on the first recovery, but may be sued on as often as the Judge and Commissioners shall be of opinion that the conditions thereof have been violated.

Sec. 9. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 10th January, 1845.

[No. 32.]

## AN ACT

To change the time of holding the February term of the Circuit Court of Franklin County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the February Term of the County Court of the County of Franklin, shall be holden on the third Monday in February, in each and every year, instead of on the first Monday in February, as now required by law. Time changed.

Sec. 2. *And be it further enacted*, That all writs, subpoenas and other process, now issued, or that may be hereafter issued, returnable to said Court at its term as now established, shall be held returnable to the term of said Court to be holden on the third Mondays in February in each and every year, as contemplated in the foregoing section of this act. Process.

Sec. 3. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 10th January, 1845.

[No. 32.]

## AN ACT

To establish a Military Beat with a less number than forty privates.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a military beat of the following boundaries, with less than forty privates, be, and the same is hereby established in the county of Marion, viz: to commence where Yellow Creek crosses the Fayette County line; thence up said Creek, to its source; thence along the ridge dividing Beaver Creek waters from Yellow Creek waters, to Lexpalila waters; thence to the road leading from Pikeville to Tuscaloosa; thence along said road, by John Sharp's, to the Russelville road; thence along the Russelville road, to Fayette County line; and thence along said line to the starting point. New beat established.

Approved, 11th January, 1845.

[No. 34.]

## AN ACT

For the relief of James Lacy and Hetty Lowe, of Fayette County.

Governor au-  
thorized to  
remit fine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor of the State of Alabama, be, and hereby is authorized and empowered, upon good and sufficient reasons to him shown, to remit the whole, or so much of the fine, in view of all the circumstances of the case, as he may deem proper.

Sec. 2. *And be it further enacted*, That the provisions of this act shall only apply to a fine of one hundred dollars each, imposed upon the said parties at Fall Term of Fayette Circuit Court, in eighteen hundred and forty-three.

Approved, 11th January, 1845,

[No. 35.]

## AN ACT

For the relief of Alley C. James and her heirs.

Preamble.

WHEREAS, in the year eighteen hundred and thirty-eight, John S. James, Patillo Farrow, and John Garlington, then citizens of Laurens District, in the State of South Carolina, by their certain deed of trust, conveyed to Benjamin Fitzpatrick of the County of Autauga, in the State of Alabama, a certain negro boy, slave, named Primus, for the separate use and benefit of one Alley C. James, and the heirs of her body, all of whom also reside in said County of Autauga; and whereas, it is deemed best for the interest of the said *cestue qui trusts* that the said slave be converted into property of a different description:

Powers vest-  
ed in trustee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, and it is hereby enacted by the authority of the same; that the said Benjamin Fitzpatrick be authorized and empowered to sell or dispose of said negro man, slave, and with the proceeds arising from such sale, to purchase such other negro property as shall be best suited to the uses and purposes of the said Alley C. James, and the heirs of her body.

Sec. 2. *And be it further enacted*, That when the said trustee shall have reinvested the fund arising from the sale of the said negro man, the property purchased therewith, be, and the same is hereby declared to be subject to all the objects and trusts of the original deed.

Approved, January 11, 1845.



[No. 36.]

## AN ACT

To confirm the emancipation of certain persons therein named.

**WHEREAS**, it appears that by the petition of Maximilian Dubroca, Nesin Dubroca, Sylvestra Dubroca, Felici Dubroca, Cler Dubroca, and Lawrence Brne, in right of his wife Josephine Dubroca, that it is their intention to emancipate and set free, Nora and his wife Dinah, of Baldwin County, therefore,

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said Norah and Dinah his wife, are hereby declared to be free, and their emancipation is hereby confirmed, and the said Norah and Dinah shall not be required to leave the State of Alabama; upon this condition that the said Norah and Dinah shall enter into bond with approved security, to the Judge of the County Court of Baldwin County, in the sum of two thousand dollars, conditioned that the said Norah and Dinah shall never become a charge to this State or any County or town therein.

Approved, January 11, 1845.

[No. 37.]

## AN ACT

To establish a Medical Board at the Town of Sugsville, in the County of Clarke.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, A. B. C. Dossey, and W. H. Rogers, of the County of Monroe; T. J. Krouse and T. W. Belt, of the County of Baldwin; George Leister, and Dr. J. G. Hawkins, of the County of Washington, and Andrew Denny, William L. Tunstall, A. H. Hutchison, Robert N. Murphy, M. A. McLeod, John B. Jones, S. Gayle, and T. B. Rivers of the County of Clarke, be, and they are hereby constituted a Board of Physicians for the Counties of Monroe, Baldwin, Washington and Clarke, to be styled the Medical Board of Physicians for the District composed of the Counties of Monroe, Baldwin, Washington and Clarke.

**Sec. 2.** *And be it further enacted,* That the town of Sugsville, in the County of Clarke, shall be the place of meeting of the said Board, annually on the first Tuesday in May.

**Sec. 3.** *And be it further enacted,* That in addition to the above named Physicians, any regular graduate of the several

**Additions to the bond.** regularly incorporated medical colleges of the United States, who reside in either of the Counties constituting said District, upon the enrolling of his name, and the exhibition to said Board of his diploma, without good cause to the contrary, to be decided by a majority of said Board, shall become a member of said medical Board.

**Quorum.** Sec. 4. *And be it further enacted,* That five or more of the Physicians who constitute said Medical Board, shall be authorized to organize themselves by the election of a President and Secretary, and such other officers as shall be determined by said Board necessary for discharging the duties incumbent upon said Board.

**Vacancies.** Sec. 5. *And be it further enacted,* That a majority of said Board shall have power to fill any vacancies that may happen by death, resignation, or otherwise.

**Shall examine.** Sec. 6. *And be it further enacted,* That it shall be the duty of said Medical Board, to examine applicants for permission to practice medicine, to grant license, and to do all other business authorized or required of any Medical Board, in this State by law.

**May adopt constitution.** Sec. 7. *And be it further enacted,* That said Board shall have power to adopt a constitution, and adopt such by-laws under the provisions of this act, as they may deem necessary for their Government: *Provided,* such by-laws do not conflict with the Constitution of the United States, or the Constitution of the State of Alabama.

**Shall keep record of proceedings.** Sec. 8. *And be it further enacted,* That said Board are required to have and keep a record of their constitution and by-laws, and all licenses granted; and all other acts of said Board, which said record shall be subject to the inspection of any person interested; said Board hereby required to procure and keep an official seal, with such device as they deem suitable, and they are hereby declared able and capable in law and equity, to receive and hold, have and enjoy donations of real or personal property not exceeding ten thousand dollars in value, to have and hold for the use of said Board, and they may receive and hold the same, by gift, grant, bequest or purchase, either in fee simple or otherwise; sue and be sued, plead and be impleaded, and to do and perform all other acts incident to or appertaining to any Medical Board in this State: *Provided,* nothing in this act shall be construed to authorize said Medical Board to exercise banking privileges.

**Jurisdiction.** Sec. 9. *And be it further enacted,* That the jurisdiction of the said Medical Board in the exercises of its privileges and duties shall extend throughout the counties enumerated in this District; and no physician shall be allowed to practice

medicine in said District unless he shall record his name as a member of said Board, or be licensed by the same, unless said Physician is at this time a practising physician, or a resident graduate of said District.

Sec. 10. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 11, 1845.

[No. 38.]

### AN ACT

To require the Sheriff of Butler County to reside within one mile of the Court House of said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Sheriffs hereafter elected for Butler County, shall reside within one mile of the Court House of said County, or keep a deputy at the Court House. Where sheriff to reside.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Judge of the County Court of said County, to declare the office of Sheriff of said County vacant, unless the Sheriffs hereafter elected, shall comply with the provisions of this act, within three months after they are elected. Vacancies.

Sec. 3. *And be it further enacted*, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved, January 11, 1845.

[No. 39.]

### AN ACT

For the relief of Mary Jackson Arrington, of the County of Sumter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the said Mary Jackson Arrington, wife of Joseph Arrington, senr., be, and she is hereby vested with all the rights of a *feme sole*, in, and to all or any property now held in trust for the said Mary Jackson Arrington, with full power to sue for and recover the same; and to hold the same free from the control of her said husband, and discharged from any liabilities contracted or hereafter to be contracted by him.

Sec. 2. *And be it further enacted*, That the said Mary Jackson Arrington, be vested with all the rights of a *feme sole*, in regard to any and all property hereafter acquired; and that she have full power to sue, and may be sued without the joinder of her said husband, and that all property so acquired be held free from any liability of her said husband.

Approved, January 11, 1845.

[No. 40.]

# AN ACT

For the relief of Catharine Keho, of Mobile County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this Act, Catharine Keho, wife of James Keho, of the City and County of Mobile, shall be capable in law, and is hereby fully authorized and empowered to receive, take, and hold by gift, inheritance or purchase, any property real or personal, and the same to dispose of by will, gift, sale or otherwise, in the same manner, and to the same extent that a *feme sole* may do; free from the hindrance, molestation and control of her said husband, and that the property and estate, so by her hereafter acquired, shall not in any wise whatsoever, be subject to, or liable for any of his debts or contracts; but that the said Catharine Keho shall possess all the rights and privileges, and subject to all the liabilities of a *feme sole*.

Approved, January 11, 1845.

[No. 41.]

# AN ACT

To create an additional Company beat in the County of St. Clair.

Additional  
beat created.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That there shall be, and is hereby established, an additional Company beat, in the County of St. Clair, to be called the Brother's beat, which said beat shall be bounded as follows, viz.: commencing between Burwell McClendon's and Dancy Hathcock's, at the Blount and St. Clair line; thence running to the top of the mountain; near Archibald Brothers, thence on a straight line to Joseph Phillip's, thence on a straight

line to John Pridmores, thence to the beginning so as to include the Greasy Cove: *Provided*, always that the number of privates liable to do military duty in the beats as now established, from which this beat is taken, shall in no event be reduced below forty.

Sec. 2. *And be it further enacted*, That the Company muster ground for the beat hereby created, shall be at Caleb Brother's, in said beat.

Approved, January 11, 1845.

[No. 42.]

### AN ACT

To change the time of holding the County Courts of Washington and Macon Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the time of holding the County Court of Washington County, and the Commissioners' Court of Roads and Revenue, shall be on the second Monday of February, eighteen hundred and forty-five, and thereafter, on the third Mondays of July and January in each year; and all writs, processes and proceedings in said Courts are hereby continued, and made returnable at the above mentioned times, any law to the contrary notwithstanding. Time changed.

Sec. 2. *Be it further enacted*, That hereafter the County Court of Macon County shall be holden on the third Monday in June and December.

Approved, January 13, 1845.

[No. 43.]

### AN ACT

To place the Bank of the State of Alabama, at Tuscaloosa, in liquidation, and to provide for the final settlement of its affairs, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the expiration of the charter of the President and Directors of the Bank of the State of Alabama, or any of the Branches thereof, shall in no wise effect the lien of any judgment, or other security in favor of, or against said Bank and Branches; nor shall the same in any wise effect any suit now pending, or hereafter to be brought in favor of or against said Bank or Branches, but that all suits now brought, or hereafter to be brought, shall be regulated by the provisions now prescribed by law. Expiration of charter shall not affect liens. &c.

**Sec. 2.** *And be it further enacted,* That the expiration of said charter or charters, shall in no wise effect the right of property, now held in the real and personal estate, chose in action, or other assets of said Bank or Branches, but that the said Bank and Branches, notwithstanding the expiration of their charters, shall go on to collect and pay their debts, and dispose of their property and effects in the same manner as if their charters had not expired.

Approved, December 31, 1844.

[No. 44.]

### AN ACT

To repeal in part an Act, in Clay's Digest, page five hundred and ninety, section third.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the second and third sections of the Act against usury in Clay's Digest, pages five hundred and eighty-nine and five hundred and ninety, be, and the same are hereby repealed.

**Sec. 2.** *And be it further enacted,* That it shall not be lawful for any person or persons who may have borrowed, or shall hereafter borrow, money at an usurious rate of interest, to sue for, and recover of the lender such usurious interest, or any part thereof, after he or they shall have paid the same.

**Sec. 3.** *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 14, 1845.

[No. 45.]

### AN ACT

To exempt certain property from execution.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in addition to the property now exempt by law from execution, there shall be reserved for the use of every family in this State, one dozen cups and saucers, one set of knives and forks, one dozen plates, one coffee pot, two dishes, and three cows and calves, and twenty head of sheep; also, all family portraits, and also two sets of plough-gear, any law to the contrary notwithstanding: *Provided,* the provisions of this act shall only apply to debts hereafter contracted.

Approved January 17, 1845.

[No. 46.]

## AN ACT

To enable the people of Henry County to locate the seat of Justice for said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William C. Willis, James Murphy, Augustus Spann, John S. Cate, James Pynes, James Brown and Michael Koonce, be, and they are hereby appointed Commissioners for the County of Henry, who, or a majority of them, shall have power to select one site in addition to Abbeville, the present Court House. Commissioners to be appointed.  
Powers.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said Commissioners, to report to the Sheriff, the site which they shall have selected as aforesaid, by the first Monday in June next, particularly describing the same; and it shall be the duty of the Sheriff, immediately on the receipt of such report, to post up a written notice at the different election precincts in the County describing the site as it shall be reported to him by the Commissioners above named. Duty of Commissioners and Sheriff.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Sheriff of said County to hold or cause to be held an election, at the different precincts in said County, on the first Monday in August next, which shall be held and conducted by the same managers and officers and in the same way, with the exceptions made in this act, that elections of members of the General Assembly are; and the said Sheriff shall give the same previous notice of the election, that he is required to give of the general election by law, and the site selected by the said Commissioners, shall be put in nomination, and voted for as follows, viz.: those wishing to vote for Abbeville, shall write upon their ticket Abbeville, those voting for the site under this act, shall write upon their ticket the words New Site; and it shall be the duty of the officers and managers to provide and keep at each precinct a separate box, in which shall be placed the votes given upon the subject of site of the Court House, and they shall also cause to be kept a separate list of the votes upon the same subject, and it shall be the duty of the managers after the close of the election to count the votes of their respective precincts, and make return to the Sheriff of the County, the whole number of votes received for each place nominated in this act; which return shall be duly certified and sealed up and delivered to the Sheriff within the time prescribed by law, for making the returns of the election of members of the General Assembly; and the said managers shall, in addition to the oath now required by law, take an oath faithfully and impartially to hold and return the election specified in this act: *Provided,* that no vote shall be thrown out for wanting the precise Election to be held.  
Proviso.

words specified in this act, if there be sufficient upon the ticket to show the place intended to be voted for, but all such votes shall be counted, and it shall be the duty of the Sheriff, after receiving the returns from the different precincts in the county, to compare and ascertain the number of votes received for each place nominated under this act; and the place receiving the highest number of votes, he shall declare to be the permanent seat of Justice for said County of Henry: *Provided*, that should the new site be elected, and declared the permanent seat of justice as aforesaid, all courts for said county shall be held at Abbeville, until the said commissioners shall provide some house in which the courts can be held at the new site.

Proviso.

Qualification  
of voters.

Sec. 4. *And be it further enacted*, That all free white persons over the age of twenty-one years, who shall have been resident citizens of said county, three months preceding said election, shall be deemed qualified voters in the election of the seat of justice aforesaid.

Power of  
Commission-  
ers.

Sec. 5. *And be it further enacted*, That the commissioners appointed in this act shall be authorized to purchase from any person, or from the United States, any tract or tracts of land, not exceeding one half quarter section, or to receive, by donation from any person or persons, a tract of land for the purpose of erecting thereon the public buildings of said county: *Provided*, the new site be elected and declared the permanent seat of justice as aforesaid; and the said commissioners shall have power to draw such sums of money out of the county treasury of said county, as shall be necessary to carry into effect the provisions of this act, and it shall be the duty of the county treasurer, to pay over the same out of any money in the treasury not otherwise appropriated,

Proviso.

Tax may be  
levied.

Sec. 6. *And be it further enacted*, That the Judge of the County Court, together with the commissioners of roads and revenue of said county, be, and they are hereby authorized to levy a special tax of twenty per centum upon the State tax, to raise a revenue for the purpose of building a Court House for said county.

Selection of  
sites.

Sec. 7. *And be it further enacted*, That the commissioners or a majority of them shall select two places, one of which is to be placed in nomination against Abbeville; one to be selected within one mile of the centre of said county, and the other to be selected on the Chattahoochie river, within one mile of the centre, measuring north and south.

Approved, January 17, 1845.



[No. 47.]

## AN ACT

For the relief of Cynthia R. Merritt.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That Cynthia R. Merritt, of the County of Covington, be, and she is hereby authorized and empowered to trade and exercise all the rights and immunities of a *feme sole*, and for that purpose she shall be and is hereby invested with full power to buy, sell, hold, and receive property, separate and distinct from that of her husband, Daniel Merritt, and that the same shall not be made liable for any of the debts or contracts of her said husband: *Provided*, that the provisions of this act shall only apply to such property as may be hereafter acquired by Cynthia R. Merritt, and only to contracts made subsequent to the passage of this act: *And provided further*, that the provisions of this act shall be confined to the property acquired exclusively by the said Cynthia R. Merritt's own efforts, and such as she may inherit in her own right, and shall in no case prejudice the rights of existing creditors, as to property she has or may have in right of her husband.

Empowered  
to trade, &c.

Approved, January 17, 1845.

[No. 48.]

## AN ACT

For the relief of Thomas E. Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Thomas E. Montgomery, representative of William Montgomery, deceased, late of Benton county, be, and he is hereby authorized to extend the time of payment of the remainder due of a debt contracted by the aforesaid William Montgomery, in his life time, in the purchase of a portion of section sixteen, township fifteen, range seven, east, in the Coosa land district, upon the execution of four notes, of equal amount, with approved security, payable in one, two, three, and four years respectively, and bearing interest from date.

Time of pay-  
ment extend-  
ed.

Sec. 2. *And be it further enacted,* That all laws or parts of laws contrary to the provisions of this act, be, and the same are hereby repealed, so far as they relate to Thomas E. Montgomery, representative as aforesaid.

Approved, January 17, 1844.

[No. 49.]

## AN ACT

For the compensation of John R. Ware and Lawson Williford.

John R. Ware  
and Lawson  
Williford.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts, be, and he is hereby authorized to draw his warrant on the Treasurer in favor of John R. Ware and Lawson Williford, or in favor of either of them applying therefor, for the sum of one hundred dollars, the same being allowed for apprehending and bringing to justice, Edmund Burton, charged with the murder of Bookter Gilbert, in the county of Tuscaloosa, to be paid out of any money not otherwise appropriated.

To give bond

Sec. 2. *And be it further enacted*, That if the said sum allowed as aforesaid, or any part thereof, be drawn by, or paid to the above named Lawson Williford, without the order or authority of said Ware, said Williford shall execute his bond with good and satisfactory security, payable to the Governor of the State of Alabama, and his successors in office, in the penal sum of two hundred dollars, conditioned, that the said sum, nor any part thereof, shall at any time hereafter be claimed or demanded by said Ware, or his representatives, or if so claimed or demanded, he will secure and protect the State against the payment of any part thereof.

Approved, 14th January, 1845.

[No. 50.]

## AN ACT

To authorize the Governor to require the Agent of the State to take possession of the Salt Reserve Lands, in Clarke County, and to allow compensation to said Agent.

Date of agent

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be, and he is hereby authorized to require of the Agent, who may be required to farm out or lease the lands belonging to the State of Alabama, adjacent to the Salt Springs, and Salt Wells, known as the Salt Reserve, in the County of Clarke, to take possession by due course of law of said lands, and prevent further depredations or injuries to said lands.

Sec. 2. *And be it further enacted*, That said Agent shall be allowed such compensation as the Governor may think proper to allow, for his services, in superintending said Salt Reserve.

Approved, 14th January, 1845.

[No. 51.]

## AN ACT

For the relief of Achsah Hogg.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Achsah Hogg, of the County of Covington, be, and she is hereby made a free dealer; and the said Achsah Hogg shall have full power and authority to take, receive, and dispose of, any property she may acquire, by gift, inheritance, purchase, or otherwise, free from the molestation, hinderance or control of her husband, Stephen M. Hogg, and the same shall be in no wise liable to the debts of her said husband.

Approved, 22d January, 1845.

[No. 52.]

## AN ACT

Repealing the Charter of the Town of Asheville, in the County of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all laws and parts of laws, incorporating the Town of Asheville, in the County of St. Clair, be, and the same are hereby repealed.

Approved, 22d January, 1845.

[No. 53.]

## AN ACT

To authorize James Lamar to sell certain property therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Lamar, guardian for Mary Nicholson, be hereby authorized to sell, or otherwise dispose of a certain negro woman named Hagar, the property of the said Mary Nicholson, so as to invest the value of said negro woman in other negro property, for the use and benefit of the said Mary Nicholson.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 22d January, 1845.

[No. 54.]

## AN ACT

To repeal an act therein named.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, entitled "An Act, to regulate the time and places of holding musters in the seventy-third regiment of Alabama militia," approved the third day of February, eighteen hundred and forty-four, be, and the same is hereby repealed.

Approved, 22d January, 1845.

[No. 55.]

## AN ACT

To authorize the election of eight Commissioners of Roads and Revenue, in the County of Conecuh.

Eight Commissioners to be elected.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, it shall be lawful for the voters of the County of Conecuh, to elect eight Commissioners of the Court of Roads and Revenue of said county; one Commissioner from each Captain's beat in the county aforesaid; who shall hold their offices for the term now provided by law; any law to the contrary notwithstanding.

Approved, 22d January, 1845.

[No. 56.]

## AN ACT

To compel certain persons therein named, to work on public roads, in Blount and Jackson Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Clerks of the Circuit and County Courts, Sheriff, Justices of the Peace, Millers, Ferry-men, Teachers of schools, and Students, licensed Preachers, Apportioners and Supervisors of roads, and Overseers of roads, and Militia officers, shall hereafter be compelled to work on public roads, in the counties of Blount and Jackson; any law or usage to the contrary notwithstanding.

Approved, 22d January, 1845.

[No. 57.]

## AN ACT

For the relief of Levi Freeman.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Levi Freeman, be, and he is hereby declared a liner between the Counties of Pike and Montgomery, and shall hereafter be considered as a citizen of the County of Pike, so long as he remains at his said residence; and shall be subject to all laws in relation to a citizen of Pike County, in the same manner as if he resided in said county. Declared a liner.

Approved, 22d January, 1845.

[No. 58.]

## AN ACT

To legalize a certain marriage therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the rights of matrimony heretofore solemnized between George M. Neal and Elizabeth Thurman, of Fayette County, be, and the same is hereby legalized and made valid.

Approved, 22d January, 1845.

[No. 59.]

## AN ACT

To regulate the pay of Jurors, in the County of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Grand and Pettit Jurors of the County of Butler, shall receive the sum of one dollar per day, for every day they shall attend and serve as jurors, at the County and Circuit Courts of said county, in place of the per diem now allowed by law to jurors in said county; to be paid as now provided by law. Pay of jurors.

Sec. 2. *And be it further enacted,* That all laws and parts of laws in conflict with this act, are hereby repealed.

Approved, 21st January, 1845.

## [No. 60.]

## AN ACT

To amend an Act, to authorize the Tax Collector of Covington County, to receive Jury Certificates only, in payment of County Taxes, approved, seventeenth January, eighteen hundred and forty-four, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all legal claims against the county of Covington, shall be received in the payment of county taxes.

County tax  
waived.

Sec. 2. *And be it further enacted,* That hereafter, the Judge of the County Court and Commissioners of Revenue and Roads, of the County of Covington, shall not be allowed to levy a County Tax, exceeding one hundred per cent. on the State Tax, for county purposes.

Pay of sheriff  
and clerks.

Sec. 3. *And be it further enacted,* That hereafter, the Clerks of the Circuit and County Courts, and the Sheriff of Covington County, shall be allowed such compensation only for extra services, as the Judge of the County Court and Commissioners of Revenue and Roads may think them entitled to, not to exceed the compensation now allowed by law for such services.

Sec. 4. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 14th January, 1845,

## [No. 61.]

## AN ACT

To Incorporate the Dadeville Academy, in the County of Tallapoosa.

Trustees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Leroy Gresham, Thomas Shelman, Brewry Brewer, Nathan Sparks, John T. Leftwich, Salmon Washburn, Simeon Goolsby, and their successors, be, and they are hereby constituted a body corporate, under the name and style of the Trustees of the Dadeville Male and Female Academy.

Organization  
and powers  
of board.  
Powers.

Sec. 2. *And be it further enacted,* That the said Trustees shall appoint one of their own body, to preside as President, shall have power to fill vacancies that may occur in the Trusteeship by death, resignation, or otherwise, and shall have authority to make all such by-laws, for the regulation and government

of said Academy, as they, or a majority of them, may deem necessary, and alter and amend the same at pleasure: *Provided*, such by-laws are compatible with the constitution of this State, and the constitution of the United States; to employ a suitable teacher, or teachers, and to make all such contracts as may be necessary, to carry said Academy into complete operation.

Sec. 3. *And be it further enacted*, That the said corporation, by its corporate name, shall be capable in law of suing and being sued, of pleading and being impleaded, of holding and owning property, both real and personal, to any amount not exceeding three thousand dollars, and of selling and conveying the same, and shall have and enjoy all such privileges and powers, as are necessary, to give full and complete effect to this act, according to its true meaning and intent.

Approved, 16th January, 1845.

[No. 62.]

## AN ACT

To change, in part, the mode of drawing Grand and Pettit Jurors, for the Counties of Henry, Dale and Coffee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, it shall be the duty of the Clerk of the County Court, in the presence of, and with the assistance of the Sheriff, Judge of the County Court, and Clerk of the Circuit Court, in each of the counties of Henry, Dale and Coffee, to draw the names of forty-eight persons from the list of householders and free holders, as is now provided for by law, to serve as grand and petit jurors, for the counties aforesaid. Mode of drawing.

Sec. 2. *And be it further enacted*, That after having drawn the number of forty-eight persons, as above provided for, it shall be the duty of the Clerk of the County Court, with the assistance, and in the presence of the Sheriff, Judge of the County Court, and Clerk of the Circuit Court of each of said counties, to select fifteen of the most moral and intelligent persons, from the number so drawn, to serve as grand jurors for each of the counties aforesaid, instead of the mode now provided for by law, who shall be summoned as the law now directs. Selection of grand jurors.

Sec. 3. *And be it further enacted*, That the persons remaining, shall be summoned to serve as petit jurors, in the manner now provided for; any law to the contrary notwithstanding. Petit jurors.

Approved, 16th January, 1845.

[No. 63.]

## AN ACT

For the benefit of Mrs. Casey Snead, of the County of Limestone.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts, be, and the same is hereby authorized to draw his warrant on the State Treasury for the sum of thirty dollars, for the benefit of Mrs. Casey Snead, of the County of Limestone.

Approved, January 18, 1845.

[No. 64.]

## AN ACT

To amend a certain Act therein named, as to the requirements of its fifth section.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the fifth section of an act, concerning the administration of the estate of William S. Chapman, deceased, approved, January sixteenth, A. D. eighteen hundred and forty-four, as requires the administrator and administratrix to perform the duties specified within that section, within twelve months from the passage of that act, be, and the same is hereby amended and extended in its provisions, so as to allow the said administrator and administratrix until the first day of July next, to comply with the requirements of that section; any law to the contrary notwithstanding.

Approved, 16th January, 1845.

[No. 65.]

## AN ACT

For the benefit of Elizabeth Tier.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court of Pickens County, be, and hereby is authorized and empowered to order and decree, that William F. Bridges, guardian of Elizabeth Tier, shall expose to sale, under such regulations, as may be prescribed, the following land, to wit: the east half of the south east quarter of section thirty-two, township twenty-four, range one, west. situate in the County of Greene, belonging to said Elizabeth Tier.

Guardian authorized to sell land.



Sec. 2. *And be it further enacted*, That before any such order for sale shall be made, the said William F. Bridges, <sup>To give bond</sup> guardian as aforesaid, shall be required to enter into bond, with two good and sufficient securities, in double the amount of the supposed value of said land, conditioned for the faithful execution of said sale, and the application of the proceeds thereof to the use and benefit of the said Elizabeth Tier.

Approved, January 31, 1845.

[No. 66.]

## AN ACT

To loan the Two Per Cent. Fund, to the Montgomery and West Point, and Tennessee and Coosa Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Governor of the State of Alabama is hereby authorized and required, to direct the Cashier of Bank of the State of Alabama, to pay one half of the Two Per Cent. Fund to the President and Directors of the Montgomery and West Point Rail Road Company, and the remaining other half <sup>Two per cent fund to be loaned.</sup> of said Funds, to the President and Directors of the Tennessee and Coosa Rail Road Company, so soon as the President and Directors of each of said Rail Road Companies, or either of them, shall have executed their bond or bonds, with good and sufficient personal security, payable to the Governor of the State of Alabama for the time being, and his successors in office, conditioned for the faithful payment of said sum or sums of money so loaned, at the expiration of ten years from the date of said bond or bonds, together with the interest that shall accrue thereon, payable annually, at the rate of five per centum per annum, for the last five of said ten years, and that said bond or bonds shall be approved of by the Governor aforesaid.

Sec. 2. *And be it further enacted*, That the President and Directors of the Montgomery and West Point Rail Road Company, shall at the same time, execute an additional bond or bonds, with good and sufficient personal security, amounting to the one half of the said Two Per Cent. Fund, conditioned, that the said Company shall complete and put in operation their said road to Auburn, in Macon county, on or before the first day of January, eighteen hundred and forty-nine; which said bond or bonds shall be made payable to the Governor for the time being, and his successors in office; and to be approved of by said Governor. <sup>President and Directors of Montgomery and West Point R Road to give bond.</sup>

Sec. 3. *And be it further enacted*, That the President and Directors of the Tennessee and Coosa Rail Road Company, shall in like manner, execute their bond or bonds, amounting to the

President and  
Directors of  
Tennessee R.  
Road Co. to  
give bond.

remaining one half of the Two Per Cent. Fund, conditioned, that the said Company shall complete said road, from, at, or near Gunter's Landing, on the Tennessee river, to a point on the Coosa river, at, or near the Double Springs, on or before the first day of January, eighteen hundred and fifty.

Annual re-  
port to be  
made.

Sec. 4. *And be it further enacted*, That the President and Directors of each of said Companies, shall, and are hereby required, to make an annual report to the Governor for the time being, immediately preceding the session of the Legislature, of the extent of the construction, and the condition of said road or roads, and the amount of said fund expended, to whom paid, and for what purpose applied.

Condition of  
bonds.

Penalty for  
failure.

Sec. 5. *And be it further enacted*, That the penal bond or bonds, specified in the second and third sections of this act, shall be further conditioned for the faithful performance, by the said Company or Companies, of the requirements of the fourth section of this act: and should said Companies, or either of them, fail to make an annual report, as provided for in said fourth section, or fail to comply with the requirements of the second and third sections of this act, then the Governor aforesaid, shall proceed to institute suit upon said bond or bonds: *And provided further*, that the above recited penal bond or bonds, shall be further conditioned, that the said Companies, or either of them, shall faithfully apply said money loaned, with due and proper diligence to the construction of said road or roads; and should the Governor or his successors in office, be satisfied at any time, that this condition is not being faithfully complied with, they are hereby required to institute suit upon said penal bond or bonds for the recovery of said money loaned.

Bonds may be  
given in sums  
less than  
\$10,000.

Sec. 6. *And be it further enacted*, That nothing in this act shall be so construed, as to prevent the President and Directors of both, or either of said Companies, from giving their bond or bonds, in sums of not less than ten thousand dollars each, for the ultimate payment of the money loaned to said Company or Companies.

Bonds shall  
operate as a  
lien.

Sec. 7. *And be it further enacted*, That all the bonds given under the provisions of this act, shall have the force and effect of a lien upon said road or roads, constructed in conformity with the foregoing provisions.

Reserved  
powers to Le-  
gislation.

Sec. 8. *And be it further enacted*, That it shall be competent for the Legislature, at any time to charter a Rail or McAdamized road or Canal Company, so as to complete the connection of the Tennessee river with the navigable waters of Mobile Bay; which said Rail or McAdamized road or Canal Company, if it should be deemed expedient, shall have power to form a junction with said Tennessee and Coosa Rail Road, so as to form a continuous line; and in the event of a disagreement

between said Companies in relation to the apportionment of charges by each, the Legislature shall have power to regulate the same.

Sec. 9. *And be it further enacted*, That the one half of the two Per Cent. Fund loaned by this act to the Tennessee and Coosa Rail Road Company, together with the interest accruing thereon, is hereby appropriated, under such rules and regulations as the Legislature may hereafter adopt, to the construction of a Rail Road or Canal, as contemplated by the preceding section of this act. Prospective appropriation of one half the fund.

Sec. 10. *And be it further enacted*, That the Governor for the time being, or his successors in office, shall have power to require the President and Directors of both or either of said Companies, to give additional security upon the bond or bonds required by this act, should he deem the security insufficient at any time; and should they fail or refuse to do so within sixty days after such demand, the bond or bonds shall be considered due, and the Governor aforesaid shall institute suit for the recovery of the money. Powers of Governor.

Approved, 23rd January, 1845.

[No. 67.]

## AN ACT

To authorize Louis Wyeth, executor of the last will and testament of John Allan, deceased, to pay over the distributive share of Laura Allan, minor child of said decedent, to David A. Smith, her guardian.

Section 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Louis Wyeth, of Marshall county, Alabama, executor of the last will and testament of the Rev. John Allen, late of Huntsville, deceased, be, and he is hereby authorized to pay and deliver up to David A. Smith, of Jacksonville, Illinois, who was appointed by the last will and testament of said decedent to be the guardian of Laura, a minor child of said decedent; all such moneys, goods, chattels and effects as are, or shall be due and owing to the said Laura Allen, under the last will and testament of her said father: *Provided*, that it shall be made to appear to the satisfaction of the Judge of the Orphans' Court of Madison county, in this State, (to which Court the settlement of said decedent's estate belongs,) that the said David A. Smith has received, or shall receive letters of guardianship of the estate of the said Laura Allen, and has given, or shall give bond with approved sureties, to sufficient amount to the Court of competent jurisdiction, in the said State of Illinois. Executor authorized to deliver effects to guardian.

Approved, January 17, 1845.

[No. 68]

## AN ACT

For the relief of Louisa Allen.

Made free  
dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Louisa Allen, be, and she is hereby authorized and empowered to trade and exercise all the rights and immunities of a *feme sole*, and for that purpose she shall and is hereby invested with full power to buy, sell, hold and receive property separate and distinct from that of her husband, Nathaniel Allen, and that the same shall not be made liable for any of the debts or contracts of her husband: *Provided*, that the provisions of this act shall only apply to such property as may be hereafter acquired, by the said Louisa Allen, and only to contracts made subsequent to the passage of this act.

Approved, January 22, 1845.

[No. 69.]

## AN ACT

To legalize a certain marriage therein named.

Marriage le-  
galized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the rights of matrimony heretofore solemnized and subsisting between Henry Smith and Nancy Fowler, of Fayette county, be and the same is hereby made legal and valid.

Approved, January 22, 1845.

[No. 70.]

## AN ACT

For the relief of the estate of Raymond Burroughs, deceased.

Governor au-  
thorized to is-  
sue patent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Governor of this State, be, and he is hereby authorized and empowered to issue a patent to the heirs of Raymond Burroughs, deceased, or those entitled to receive the same, for the west half of the north west quarter, and the west half of the south-west quarter, and the east half of the south-east quarter of the sixteenth section of township twenty-four, range four, east, of the Tuscaloosa land district.

Approved, January 22, 1845.

[No. 71.]

## AN ACT

For the relief of Doctor Elijah Dodson, of Talladega county, and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Doctor Elijah Dodson, of the County of Talladega, be, and he is hereby made able and capable in law to sue for and recover compensation for professional services heretofore rendered, and hereafter to be rendered, in the same manner as if he had been licensed to practice medicine and surgery, according to the laws now in force; and that said Elijah Dodson may practice his profession as heretofore, without being liable to the penalties of the law in such case provided.

Authorized to receive compensation for medical services.

Sec. 2. *And be it further enacted,* That the benefits and provisions of this act be extended to William M. A. Mitchell, of Tallapoosa county.

Approved, January 22, 1845.

[No. 72.]

## AN ACT

Declaring Margaret Shegog, a free dealer, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for Margaret Shegog, wife of Richard Shegog, of Cherokee county, to have and to hold, all property, both real and personal, which she may acquire by her own industry and labor, or which she may inherit or acquire by deed of gift, devise or otherwise, free from the control of her said husband, and free from all liability to his debts, and the property so by her acquired, shall vest and remain in her for the sole use of herself and children; and shall at her death, descend to the heirs of her body, and she shall be, and is hereby rendered capable of suing and being sued, and exercising the rights of a *feme sole*.

Made free dealer.

Sec. 2. *And be it further enacted,* That the said Margaret Shegog shall be incapable in law or equity, to contract directly or indirectly, by trustees or otherwise, with her said husband.

Approved, January 22, 1845.

[No. 73.]

## AN ACT

To change the time of holding the Court of Commissioners of Roads and Revenue, in the County of Perry, and for other purposes.

Time changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the terms of the Commissioners Court of Roads and Revenue, in the County of Perry, shall be holden on the first Tuesday, in the months of January, April, July and October, instead of the time now prescribed by law.

Sec. 2. *And be it further enacted,* That the Judge of the County Court of Perry county, shall receive three dollars for each and every day he may be engaged, in holding said Court.

Approved, January 22, 1845.

[No. 4.]

## AN ACT

For the relief of William Payne.

Secretary of State to issue patent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Secretary of State, is hereby authorized and required to issue a patent, to William Payne of Lowndes county, for the north half of the north-east quarter of section sixteen, in township twelve, of range sixteen, lying in the County of Lowndes, upon his being satisfied that full payment has been made for said land.

Approved, January 15, 1845.

[No. 75.]

## AN ACT

For the relief of John Garner.

Governor authorized to pardon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be and he is hereby authorized, if to him it shall seem reasonable and proper, to pardon John Garner, convicted of sodomy, before the Circuit Court for the County of Wilcox, at the spring term, A. D. eighteen hundred and forty-three of said Court.

Approved, January 22, 1845.

[No. 76.]

## AN ACT

For the relief of Vines Smith, of the County of Coosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Vines Smith, of the County of Coosa, is hereby authorized and empowered, to erect and keep a gate across the public road, leading from the said Smith's Ferry to Rockford, on any of the lands belonging to said Smith, either on fractional sections three, ten or eleven, in township twenty-one, range sixteen, as he may think proper: *Provided always,* that the said gate when erected, shall open and shut with ease: *Provided,* he shall first get the assent of the Commissioners Court of Roads and Revenue of said county.

May erect a gate.

Approved, January 22, 1845.

[No. 77.]

## AN ACT

To permit the Jackson County Guards to remain a body corporate, with a less number of privates than forty, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Jackson County Guards, a volunteer company of said county, may consist of a less number than forty, including non-commissioned officers, but shall not remain a corporate body with a less number than thirty.

May consist of a less number than 40.

Sec. 2. *And be it further enacted,* That the said company known as the Jackson County Guards, shall be entitled to a third Lieutenant, in addition to the commissioned officers now allowed.

Officers.

Sec. 3. *And be it further enacted,* That one company of the second battalion of the first regiment be dissolved, and the commanding officer of the first regiment may order a regimental court-martial to reorganize the battalion, and to make such other changes as may be necessary to carry this act into effect.

Organization.

Sec. 4. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 22, 1845.

[No. 78.]

## AN ACT

To amend the laws heretofore enacted for the final settlement of the affairs of the Planters and Merchants' Bank of Mobile.

Number of  
Commission-  
ers reduced.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the number of Commissioners to be appointed under the provisions of the several acts heretofore enacted for the final settlement of the affairs of the Planters and Merchants' Bank of Mobile, shall be reduced to two, both of whom shall be appointed by the stockholders and approved by the Governor; and the said two Commissioners shall be vested with all the powers, subject to all the liabilities, and governed in all respects by the provisions of said several acts.

Time for sell-  
ing real estate  
extended.

Sec. 2. *And be it further enacted,* That the time for selling the real estate of the said Bank may be, and is hereby extended to the first Monday in April, eighteen hundred and forty-six; and then only so much of the said real estate shall be sold as may be necessary to pay off all the debts then existing against the said Bank, or as the stockholders of the said Bank may by resolution direct to be sold.

Duty of Com-  
missioners for  
ascertaining  
outstanding  
debts.

Sec. 3. *And be it further enacted,* That for the purpose of ascertaining with certainty the amount of all the outstanding liabilities of the said Bank, the said Commissioners shall within three months after the passage of this act, by advertisement to be inserted in one or more newspapers published in Mobile, once a week, until the first of January; eighteen hundred and forty-six, to notify all persons having any claim or demand against said Bank, to present the same to some officer of the said Bank, at their office in Mobile, on or before the first day of January, eighteen hundred and forty-six, or that the same will be barred, and every claim or demand not so presented within the time aforesaid, shall be forever barred from payment or recovery, and no suit shall be brought thereon in any court in this State.

Meeting of  
stockholders.

Sec. 4. *And be it further enacted,* That it shall be the duty of the said Commissioners to call a general meeting of the stockholders of the said Bank, to be holden in the city of Mobile, at such time in the month of January, eighteen hundred and forty-six, as the Commissioners may direct; and at such meeting, each stockholder, by himself, or his agent, or proxy, may give as many votes as the number of shares he may own; and the stockholders may determine and direct, by a majority of votes so given, how much, and what part of the real estate of the said Bank shall be sold by the Commissioners, and on what terms such sale shall be made: *Provided,* that at least enough of the said real estate shall be sold to raise in cash an amount of money sufficient to pay off all claims and demands against the said Bank, which may have been presented as aforesaid, and allowed, and may be outstanding and unpaid at the time of said sale.

Proviso.



Sec. 5. *And be it further enacted,* That the said Commissioners shall make sale of the said real estate as they may be directed by the stockholders as aforesaid, and such sales shall be commenced at least as soon as the first Monday of April, eighteen hundred and forty-six, and may be continued from day to day until completed. Commissioners shall sell real estate—and how.

Sec. 6. *And be it further enacted,* That at such meeting of the stockholders, they may by a majority of votes to be given as aforesaid, elect and appoint two or more persons as Trustees of the said Bank, and may fix the compensation to be allowed to said trustees, and the trustees so appointed shall each before entering on the discharge of the duties of his office, execute a bond, with good security, to be approved by the Judge of the County Court of Mobile county, in the penal sum of twenty thousand dollars, payable to the Governor of the State, and his successors in office, and conditioned for the faithful discharge of the duties of his office; which bond shall be filed and recorded in the office of the clerk of the County Court of Mobile county, and may be put in suit by and for the use of any person who may be injured by a breach of the conditions thereof; and said bond shall not be avoided by any judgment thereon; and a certified copy thereof shall be received as evidence and have the same effect in any suit as the original. Trustees of Bank to be elected. Shall give bond.

Sec. 7. *And be it further enacted,* That the said Commissioners may and shall retain in their hands, out of the moneys of the said Bank, a sum sufficient to pay off all outstanding claims against the said Bank, which may have been presented as aforesaid, and may then remain unpaid and out of the moneys so retained, shall pay off all such outstanding claims by depositing the amount due to each person, holding any such claim, to his credit in the Bank of Mobile, before the first day of May, eighteen hundred and forty-six, and they shall before the first day of May, eighteen hundred and forty-six, assign, transfer, convey, pay over and deliver to the trustees who may have been elected and appointed as aforesaid, all moneys of the said Bank except the sum to be retained as aforesaid; and all the real estate, goods and chattels, deeds, books, papers, chose in action, and all other property or effects of any description belonging to the said Bank, to be held by the said trustees for the use and benefit of the stockholders of said Bank; and the office and salaries of the said Commissioners shall cease and be determined on the first day of May, eighteen hundred and forty-six. Powers of Commissioners.

Sec. 8. *And be it further enacted,* That the said trustees, or the survivor or survivors of them, may use the corporate name of the said Bank in the collection of the debts due to the same, and may use all the modes and powers given to the said Bank by its original charter, or by any subsequent acts of the Legislature, for the collection of its debts, in the same manner as if the charter of the Bank had never been forfeited; and it shall Trustees may use the corporate name of the Bank for collection of debts.

be their duty to proceed diligently and without delay to collect all debts due to the said Bank, and they shall before the first day of May, eighteen hundred and forty seven, sell all the real estate of the said Bank, either privately or publicly, in such manner and on such terms as the stockholders may by resolution direct, or in default of such direction as they the said trustees may deem most conducive to the interests of the said stockholders: *Provided*, that no sale of real estate shall be made on a longer credit, as to any part of the purchase money, than two years; and that on every such sale, the payment of the purchase money shall be secured by notes with good personal security, and also by a deed of trust or mortgage on the property sold.

Duty of Trustees.

Sec. 9. *And be it further enacted*, That the said trustees shall, on the first day of January and July in every year, divide the moneys in their hands as trustees, rateably among the stockholders, and pay to each stockholder, his agent or attorney, on demand, the dividend to which he may be entitled, after all the debts of said corporation are paid.

General meeting of stockholders may be called.

Sec. 10. *And be it further enacted*, That the said trustees or any three stockholders, may call a general meeting of the stockholders, at any time between the first day of November, of any one year, and the first day of May of the following year, as they may appoint, by giving at least thirty days notice of such meeting by advertisement, in some newspaper published in Mobile; and at any such general meeting of the stockholders by a majority of votes given as aforesaid, may fill any vacancy which may occur in the office of trustee of said Bank, and may remove any trustee from office, and elect another in his stead, and may give any directions in relation to the management of the affairs of the said Bank, not inconsistent with the provisions of this act, and such directions shall be obligatory on the said trustees.

Powers of stockholders.

Approved, January 24, 1845.

[No. 79.]

## AN ACT

To provide a revenue for the County of Conecuh.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the Commissioners Court of Roads and Revenue, in the County of Conecuh, shall have power in their discretion, to levy a tax not exceeding fifty per cent. on the State Tax, in any one year, for county purposes; any law, usage or custom to the contrary notwithstanding.

Approved, January 22, 1845.

[No. 118.]

## AN ACT

To regulate Sheriff's and Coroner's sales, in certain Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the several Sheriffs and Coroners in the respective counties of Macon, Sumter, Russell, Chambers, Tallapoosa, Clarke, Randolph, Lowndes and Benton, in all cases wherein they may be required by law, to expose to sale lands and negroes, or either of them, to advertise the same once a week, for at least three weeks immediately preceeding the day of sale, in some newspaper published in the county in which said property is to be sold, if there should be one; and if there should be no newspaper printed in said county, then it shall be the duty of said Sheriff or Coroner, to advertise the same in some newspaper published in this State, nearest the court house in said county.

Sales of lands and negroes to be advertised in a newspaper.

Sec. 2. *And be it further enacted,* That in all cases of advertisement as aforesaid, the said Sheriff or Coroner, as the case may be, shall tax in the bill of costs, the sum of two dollars, to pay for said advertisement; which sum shall be paid in the same manner and at the same time as the other costs in the case.

Fee.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, January 23, 1845.

[No. 119.]

## AN ACT

For the relief Charles R. Gibbs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Charles R. Gibbs, administrator on the estate of Philip Clayton deceased, be, and he is hereby released from all liability, in law or equity, to the Branch Bank at Mobile, on a certain judgment obtained against him, in favor of said Branch Bank, on the twentieth day of June, eighteen hundred and forty-two, in the Circuit Court of Mobile County, for the sum of sixteen hundred and fifty-seven dollars and thirty-five cents: *Provided,* that said Charles R. Gibbs shall pay all costs incurred in said suit.

Approved, January 27, 1845.

[No. 120.]

## AN ACT

To change the County line of Macon County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that part of Macon county, lying North of the road, known as the West Point and Tallasee road, east of the range line dividing ranges twenty-two and twenty-three, and south of township line dividing townships eighteen and nineteen, be, and the same is hereby attached to Tallapoosa county.

Approved, 27th January, 1845.

[No. 121.]

## AN ACT

To exempt Executors from giving bond and security, for the faithful performance of their duties, with certain provisos.

Not required  
to give secu-  
rity in certain  
cases.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter when any person in this State shall die, leaving a last will and testament, and shall request in his said will and testament, that his or her executor or executrix shall not give bond or security, as is now required by law; the Judges of the County Courts in this State, shall not require such bond and security from such executor or executrix: *Provided,* always, that said executor or executrix, shall be required to give bond and security, whenever the Judges of the County Courts shall deem it necessary, to a prudent and proper management of the estates of persons, making such requests in their last will and testament: *Provided,* the provisions of this act shall only extend to Russell County.

Approved, January 27, 1845.

[No. 122.]

## AN ACT

To change the times of holding the Chancery Courts in the Counties of St. Clair and Randolph.

Randolph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Chancery Court holden in and for the County of Randolph, shall commence and be holden on the second Monday in August of each said every year, and may continue one week;

and that the Circuit Court held in and for the county of St. Clair, shall commence on the third Monday of August of each year, and may continue one week: St. Clair.

Sec. 2. *And be it further enacted*, That all process heretofore issued, or which may hereafter issue, made returnable to either of the above mentioned Courts, as established before the passage of this act, shall be deemed and held returnable to the Courts, as fixed in the first section of this act, and shall be as valid as if the times of holding said Courts had not been altered by this act.

Approved, January 27, 1845.

[No. 123.]

### AN ACT

Making appropriations for the year one thousand eight hundred and forty-five.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money, be, and the same are hereby appropriated, out of any money in the Treasury, not otherwise appropriated, and to be paid to the following persons, in payment of the claims for the year one thousand eight hundred and forty-five, viz.:

To the Governor of the State, the sum of twenty-five hundred dollars:

To Governor.

To the Secretary of State, twelve hundred dollars:

Sec'y of State

To the Comptroller of Public Accounts and State Treasurer, one thousand dollars; each:

Comptroller  
& Treasurer

To the Judges of the Supreme Court, twenty-two hundred and fifty dollars, each:

Judges of Su-  
preme Court.

To the Chancellors, two thousand dollars, each:

Chancellors

To the Judges of the second, third, fourth, sixth, seventh, eighth and ninth Judicial Circuits, fifteen hundred dollars, each:

Circuit Judges

To the Judges of the first and fifth Judicial Circuits, two thousand dollars, each:

To the Attorney General, four hundred and twenty-five dollars:

Atty General

To the Solicitors of the second, third, fourth, fifth, sixth, seventh, eighth and ninth Judicial Circuits, two hundred and fifty dollars, each:

Solicitors

Q M General

To the Solicitor of the first Judicial Circuit, three hundred and fifty dollars:

Gov's Private  
Secretary

To the Quarter Master General, two hundred dollars:

To the Private Secretary of the Governor, three hundred and fifty dollars:

To the Adjutant and Inspector General, four dollars per day, for each and every day he shall be engaged in the actual discharge and fulfillment of his duties; not to exceed two hundred dollars :

For the pay of the Secretary of the Senate and Principal Clerk of the House of Representatives, the sum of seven dollars per day :

For the pay of the Assistant Secretary of the Senate and the Assistant and Engrossing Clerk of the House of Representatives, each, the sum of five dollars per day, during the session :

For the pay of the Doorkeeper of the Senate, and House of Representatives, the sum of five dollars per day, each, during the session :

To the Secretary of State, for indexing the Laws, copying the Journals of both Houses, of the present session, of the General Assembly, preparing the whole for the press, and superintending the printing of the same, the sum of three hundred dollars :

To the Secretary of the Senate, and Principal Clerk of the House of Representatives, the sum of one hundred dollars, each, for bringing up and completing the Journals of both Houses of the General Assembly, and filing away the papers after the adjournment.

Sec. 2. *And be it further enacted*, That the sum of five thousand dollars, be, and the same is hereby appropriated and set apart, to defray the contingent expenses of the State Government.

Sec. 3. *And be it further enacted*, That the sum of forty thousand dollars, be, and the same is hereby appropriated to pay the members of the present General Assembly.

Sec. 4. *And be it further enacted*, That the Treasurer, be, and he is hereby required, to deposit in the Branch of the Bank of the State of Alabama at Montgomery, to the credit of the Warden of the Penitentiary, out of the Revenue Fund, the sum of fifteen thousand dollars, for the purpose of defraying the expenses of said Institution; said deposit to be made on or before the tenth day of February next: *Provided*, in the opinion of the Governor that amount shall be necessary.

Approved, 27th January, 1845.

[No. 172.]

## AN ACT

Making appropriations for the payment of certain Claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the several sums of money hereinafter mentioned, be, and the same are hereby appropriated, to the several persons respectively hereinafter mentioned; that is to say:

To Charles Bancroft, Sheriff of Mobile county, the sum of three thousand, seven hundred and thirty-five dollars and fifty-eight C. Bancroft cents, for victualling State prisoners in the jail of said county:

To Clark Bobo, jailer of Franklin county, the sum of two hundred and seventy-eight dollars and sixty-five cents, for Clark Bobo victualling State prisoners in the jail of said county:

To James H. Thompson, Sheriff of Sumter county, the sum of one hundred and four dollars and forty cents, for victualling JH Thompson State prisoners in the jail of said county:

To Thomas P. Simmons, jailer of Lowndes county, the sum of one hundred and seventy-six dollars and eighty cents, for TP Simmons victualling State prisoners in the jail of said county:

To Joseph G. Garrett, Sheriff and jailer of Marshall county, the sum of thirty-seven dollars and ninety cents, for victualling J G Garrett State prisoners in the jail of said county:

To John R. Coffee, Sheriff of Jackson county, the sum of four hundred and fifty-six dollars, and ninety cents, for victual- J R Coffee ling State prisoners in the jail of said county:

To Winston P. Pettus, Sheriff of Lauderdale county, the sum of one hundred and fourteen dollars, for victualling State WP Pettus prisoners in the jail of said county:

To J. F. Conoly, Sheriff of Dallas county, the sum of two hundred and eight dollars and fifty-six cents, for victualling J F Conoly State prisoners in the jail of said county:

To Aaron Haynes, jailer of Benton county, the sum of three dollars and twenty cents, for victualling State prisoners in the A Haynes jail of said county:

To Joseph K. Durbin, constable of Franklin county, the sum of nineteen dollars and thirty-eight cents, for moneys expended JK Durbin by him in conveying a State prisoner to the jail of said county:

To P. L. Sink, of Tuscaloosa county, the sum of twenty-six dollars and eighty-eight cents, for articles furnished the Re- LP Sink presentative Hall:

To James R. Lyon, of Tuscaloosa county, the sum of fifty-two dollars and twenty-five cents, for articles furnished for the JR Lyon use of the General Assembly, during the present session:

T Harrison To Thomas Harrison, of Tuscaloosa county, the sum of one hundred and fifty dollars, for taking care of the State House, by appointment of the Governor:

E Watkins To Enoch Watkins, late Tax Collector of Lowndes county, the sum of forty dollars and thirty-one cents, it being the sum paid by him into the State Treasury, as tax collector aforesaid, for the year eighteen hundred and forty-three, as appears by the certificate of the Comptroller of Public Accounts; and the Comptroller shall draw his warrants for the same, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved; January 27, 1845.

[No. 124]

# AN ACT

Making appropriations for the payment of certain claims against the State:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several sums of money hereinafter mentioned, be, and the same are hereby appropriated to the several persons respectively, hereinafter mentioned, that is to say:

J S Clarke To Joseph S. Clarke, jailer of Madison county, for keeping State prisoners, the sum of one hundred and thirty-two dollars and five cents:

J L Raney To James L. Raney, jailer of Limestone county, for keeping State prisoners, the sum of one hundred and thirty-four dollars and thirty cents:

J W Pearce To J. W. Pearce, of Tuscaloosa, for work done on the Capitol, the sum of twenty-three dollars:

A J Taylor To Andrew J. Taylor, jailer of Butler county, for keeping State prisoners, the sum of twenty-eight dollars:

J Butts To Josiah Butts, jailer of Coosa county, for keeping State prisoners, the sum of thirty-nine dollars and five cents:

W L Hampton To Wade L. Hampton, jailer of De Kalb county, for keeping State prisoners, the sum of eighteen dollars and eighty cents:

J Shenault To John Shenault, Sheriff of St. Clair county, for keeping State prisoners, the sum of thirty-seven dollars and seven cents:

T S Harvey To Thomas S. Harvey, jailer of Henry county, for keeping State prisoners, the sum of three hundred and sixteen dollars and seventy-five cents:

D M Hall To D. M. Hall, of Coosa county, for keeping State prisoners, the sum of fifty dollars and twenty-five cents:

John Allums To John Allums, of Dale county, for keeping State prisoners, the sum of six dollars and eighty cents:



To Richard C. Mason, jailer of Morgan county, for keeping State prisoners, the sum of two hundred and fifty dollars and eighty cents: R C Mason

To A. B. Ward, of Monroe county, for making return of Congressional election; the sum of nine dollars and twenty-five cents: A B Ward

To Weeks Pippin, jailer of Henry county, for keeping State prisoners, the sum of one hundred and twenty-three dollars and sixty cents: W Pippin

To Moses Clipper, Sheriff of Autauga county, for making Congressional return, the sum of twelve dollars: M Clipper

To Moses Clipper, Sheriff as aforesaid, for keeping State prisoner, the sum of three dollars and twenty-five cents:

To Andrew J. Taylor, jailer of Butler county, for keeping State prisoners, the sum of seventy-three dollars and sixty cents: A J Taylor

To Sumerell Dennis, jailer of Tallapoosa county, for keeping State prisoners, the sum of sixty-six dollars and forty cents: S Dennis

To William J. Greene, jailer of Jackson county, for keeping State prisoners, the sum of one hundred and fifteen dollars and twenty cents: W J Greene

To Edward A. O'Neal, Solicitor of the fourth Judicial Circuit, the sum of twenty dollars: E A O'Neal

To Joseph E. Duran, of Marshall county, for apprehending David Cooper, convicted of negro stealing, the sum of fifty dollars: J E Duran

To Genral Bryant, of Tallapoosa county, for making Congressional return, the sum of fifteen dollars: G Bryant

To Solomon Spence, Sheriff of Talladega county, for keeping State prisoner, the sum of thirty-four dollars and eighty cents: S Spence

To John W. Cobb, jailer of St. Clair county, for keeping State prisoners, the sum of two hundred and sixty-six dollars: J W Cobb

To John W. Cobb, jailer as aforesaid, the sum of fifty-two dollars and eighty cents:

To Richard Taylor, jailer of Chambers county, for keeping State prisoners, the sum of four hundred and ninety-three dollars and eighty cents: R J Taylor

To Joseph Black, Sheriff of Washington county, for keeping State prisoners, and other services, the sum of seventy-two dollars and fifty cents: J Black

To William Jennings, jailer of Tuscaloosa county, for keeping State prisoners, the sum of three hundred and three dollars and fifty-five cents: W Jennings

- S. Stephens To Samuel Stephens, jailer of Franklin county, for keeping State prisoners, the sum of two hundred and twenty nine dollars and sixty cents;
- J S Rae To James S. Rae, jailer of Morgan county, for keeping State prisoners, the sum of two hundred and twenty-nine dollars and sixty cents;
- H W Cobb To H. W. Cobb, deputy Sheriff of St. Clair county, for conveying State prisoner by writ of *habeas corpus*, before Chancellor, the sum of twelve dollars, thirty-seven and a half cents;
- E J Kemp To E. J. Kemp, of the County of Fayette, for the apprehension and conviction of Nathan Kerby, for horse stealing, the sum of fifty dollars;
- Joseph Gill To Joseph Gill, jailer of Jefferson county, for keeping State prisoners, the sum of sixty-five dollars and sixty cents;
- J Chinant To Joseph Gill, jailer as aforesaid, for keeping State prisoners, the sum of sixty-nine dollars and twenty cents;
- J Chinant To John Chinant, Sheriff of St. Clair county, for removing State prisoners upon change of venue, the sum of thirty-five dollars and ninety cents;
- T D Clarke To Thomas D. Clarke, Attorney General, the sum of ten dollars;
- W. Burkes To William Burkes, Sheriff of Mayengo county, for keeping State prisoners, the sum of fifteen dollars;
- J R Kirkland To J. R. Kirkland, Sheriff of Fayette county, for keeping State prisoners, the sum of one hundred and ninety-six dollars and thirty cents;
- J C Dubose To J. C. Dubose, ex-Sheriff of Martingo county, for keeping State prisoners, the sum of fifty-seven dollars and twenty-five cents;
- W O Spinks To W. O. Spinks, Sheriff of Washington county, to conveying State prisoners, upon a change of venue, the sum of one hundred and sixteen dollars;
- W G Burton To Wilborn G. Burton, jailer of Madison county, for keeping State prisoner, the sum of eighty-one dollars and ninety-five cents;
- H P Caffey To Hugh P. Caffey, jailer of Montgomery county, for keeping State prisoners, the sum of three hundred and sixty-five dollars and five cents;
- A J Taylor To Andrew J. Taylor, jailer of Butler county, for keeping State prisoners, the sum of thirty-six dollars and twenty cents;
- A J Taylor To Andrew J. Taylor, jailer as aforesaid, for keeping State prisoners, the sum of eighty-nine dollars and twenty cents;
- V M Benham To V. M. Benham, Sheriff of Lauderdale county, for keeping State prisoners, the sum of one hundred and nine dollars and twenty cents;
- V M Benham To V. M. Benham, Sheriff as aforesaid, for keeping State prisoners, the sum of seventy-five dollars and sixty cents;

To Wiley White, Sheriff of Pike county, for keeping State prisoners, the sum of twenty-two dollars and five cents: W White

To John B. Savage of Clark county, for apprehending and prosecuting to conviction, Lewis Harwell, for counterfeiting, the sum of fifty dollars: J B Savage

To Lahsford Stallings, jailer of Cherokee county, for keeping State prisoners, the sum of ninety-nine dollars and sixty cents: L Stallings

To Elijah Edge, tax-collector of Greene county, for amount overpaid to the Treasurer, in the year one thousand eight hundred and forty-three, the sum of ninety-five dollars and twenty-two cents: E Edge

To Peter Anderson, late Sheriff of Jefferson county, for making Congressional return, the sum of nine dollars: P Anderson

To William S. Walker, jailer of Randolph county, for keeping State prisoners, the sum of ninety dollars and forty cents: W S Walker

To Byles E. Grace, Sheriff of Jefferson county, for removing State prisoners, upon a change of venue, the sum of sixteen dollars and sixty cents: B E Grace

To T. F. Samuel, for revising the census of eighteen hundred and forty-four, the sum of thirty-five dollars: T F Samuel

To John Bilbour, of Lowndes county, for removing State prisoners, the sum of five dollars and fifty cents: J Bilbour

To C. J. Guley, Sheriff of Greene county, for keeping State prisoners, the sum of one hundred and twenty-seven dollars and fifteen cents: C J Guley

To James R. Lyon of Tuscaloosa, for sundries, purchased by James H. Owen for the use of the State, the sum of nineteen dollars and fifty cents: J R Lyon

To Thomas S. Johnson, of Tuscaloosa, for repairs done on the Capitol, the sum of eleven dollars and forty-four cents: T S Johnson

To Cummins & Smith, of Tuscaloosa, for articles purchased of them, by James H. Owen, the sum of one dollar and fifty cents: Cummins & Smith

To William R. Hunt, ex-jailer of Madison county, for keeping State prisoners, the sum of two hundred and seventy-nine dollars and thirty cents: W R Hunt

To M. M. Bonham, Sheriff of Wilcox county, for keeping State prisoners, the sum of eighty-five dollars: M M Bonham

To James Daniel, jailer of Russell county, for keeping State prisoners, the sum of four hundred and forty-seven dollars and twenty cents: James Daniel

To James Daniel, jailer as aforesaid, for keeping State prisoners, the sum of one hundred and ten dollars:

To Daniel Cribbs, Sheriff of Tuscaloosa county, for attendance on Supreme Court, thirty dollars: Daniel Cribbs

To Daniel Cribbs, Sheriff as aforesaid, for attendance on Supreme Court, for the year one thousand eight hundred and forty-four, one hundred and sixty four dollars:

- G D Purcell To George D. Purcell, of Tuscaloosa, for sundries, for the sum of seventy-seven dollars and thirty-eight cents:
- John Duffee To John Duffee, of Tuscaloosa, the sum of two dollars and sixty-two and a half cents:
- Tho Fitzsimmons To Thomas Fitzsimmons, the sum of ten dollars:
- R C Mason To Richard C. Mason, deputy Sheriff of Morgan county, the sum of five dollars and ninety-five cents:
- Jos Clarke To Joseph Clarke, jailer of Madison county, the sum of fifty-nine dollars and forty cents:
- Thos J Burke To Thomas J. Burke, of Tuscaloosa, the sum of thirty-one dollars and fifty cents:
- S Washburn To Solomon Washburn, jailer of Tallapoosa county, the sum of sixty dollars and forty cents:
- J M Williams To Job M. Williams, jailer of Perry county, for keeping State prisoners, the sum of eighty-eight dollars and eighty cents:
- Thos J Judge To Thomas J. Judge, of Lowndes county, for prosecuting to conviction, five slaves, charged with capital offences, fifty dollars:
- J P Turner To J. P. Turner, of Tuscaloosa, the sum of thirty-six dollars:
- W W Barker To W. W. Barker, of Tuscaloosa county, for making out a statement of indebtedness of members, the sum of five dollars:
- N McMullens To Nathan McMullens, jailer of Perry county, ninety-four dollars and eighty cents:
- Robt Parker That the sum of twelve dollars, be allowed to Robert Parker, sheriff of Bibb county, for making the Congressional returns, for the Fourth District:
- A C Cain To Allison C. Cain, of Limestone county, ninety-one dollars and thirty one cents:
- J H Owen To James H. Owen, ten dollars, for the illuminating the Capitol on the night of the eighth January, and ten dollars for collecting stationery; and also, one dollar and twenty-five cents per day, for servant hire during the session:
- N Beard Sec. 2. *And be it further enacted*, That the sum of thirty-two dollars and eighty cents, be appropriated to Niell Beard, jailer of Monroe county, for keeping State prisoners:
- To Niell Beard, jailer as aforesaid, for keeping State prisoners, the sum of twenty-one dollars and sixty cents,
- Sec. 3. *And be it further enacted*, That the Treasurer of the State, he, and he is hereby authorized and required to pay the said several sums of money, to the said persons respectively, out of any money in the Treasury not otherwise appropriated.
- Approved, 27th January, 1845.

[No. 125.]

## AN ACT

Making appropriations for the payment of certain claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the several sums hereinafter mentioned, be, and the same is hereby appropriated to the several persons hereinafter named, to wit:

To Andrew Poor, and Murphy Douglass, the sum of one hundred and seventy-five dollars, for moneys expended, in apprehending and taking Moses Guert, and Wade Hampton, charged with kidnapping, and delivering the same to the legal authorities in St. Clair county, in this State: Andrew Poor and Murphy Douglass.

To S. S. Houston, jailer of Washington county, the sum of two hundred and thirty-seven dollars, for victualling prisoners in the jail of said county: S S Houston

To C. A. Abercrombie, Sheriff of Macon county, the sum of sixteen dollars and fifty cents, for moneys expended, &c., in removing David W. Johnson, a State prisoner, on a change of venue, from said County of Macon, to the County of Russell: C A Abercrombie

To Augustin Lynch, the sum of seventy-three dollars and fifty cents, for articles furnished for the use of the present General Assembly, and the burial expenses of Richard C. Bunting, deceased, late a member from the County of Montgomery: A Lynch

To William W. Barker, of Tuscaloosa county, the sum of thirty-one dollars and fifty cents, for services rendered as Clerk of the joint examining committee, to the State Bank and Branches: W W Barker

To L. B. Granger, of Tuscaloosa county, the sum of six dollars, for repairs to the State Capitol, during the present session: L B Granger

To A. R. Thomas, door-keeper to the Senate, the sum of twenty dollars for illuminating the Capitol on the eighth of January, eighteen hundred and forty-five, and for other services: A R Thomas

Also, the sum of twenty one dollars and forty-six cents, in favor of Peter Moseley, late Tax Collector of the county of Dallas: P Mosely

To John Thomas, of Tuscaloosa county, the sum of fifty-seven dollars, for servant hire, during the present session of the Legislature: J Thomas

To William Garrett, of Tuscaloosa county, the sum of thirty-nine dollars and forty-three cents, for moneys expended in securing and taking care of public arms, &c. W Garrett

To John R. Coffee, late Sheriff of Jackson county, the sum of one hundred and twenty-two dollars and eighty cents, for keeping prisoners in the jail of said county, all of which is to be paid out of any money in the Treasury, not otherwise appropriated. J R Coffee

J H Owen

Sec. 2. *And be it further enacted*, That in addition to the sum heretofore allowed James H. Owen, door-keeper of the House of Representatives, twenty-five cents per day for servant hire, during the present session of the General Assembly, be further allowed.

Approved, January 27, 1845.

[No. 126.]

AN ACT

To establish and abolish certain Election Precincts therein named.

Election Pre-  
cincts estab-  
lished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the following Election Precincts, be, and the same are hereby established, to wit:

St. Clair

At the house of Shadrack Morris, and also at the house of Caleb Brothers, in St. Clair county, and at John Watson's old place, in the County of St. Clair:

Russell

One at the house of John Sim's mill, in the County of Russell:

Shelby

At the house of G. T. Posey, in the fifth beat of the fifty-sixth Regiment, in the County of Shelby:

Pickens

At the house of Richardson Roundtree, in beat number six, in the County of Pickens:

Maréngo

At the store house of Edward B. Wall, in the County of Maréngo:

Tallapoosa

On the western bank of the Singahatchee Creek, on the road leading from West Point to Tallasse, bearing the name of the Singahatchee Precinct, in the County of Tallapoosa:

Dale

At the house of James Bracking, in the County of Dale; also at the house of Joseph Anthurs, in the same county:

Marshall

At Gunters' Landing, in the County of Marshall:

Lauderdale

At Patton's Spring, on Bluff Creek, in the County of Lauderdale:

Cherokee

At Weaver's Mill, and at Oak Hill Academy, in North Spring Creek beat, in the County of Cherokee.

Lowndes

At the house of Henry G. Bird, in Lowndes county.

De Kalb

At the house of Charles Sioners, in De Kalb county:

Tuscaloosa

At the school-house on John G. Blackburn's land, in beat number twelve, in the County of Tuscaloosa:

Blount

At the store house of A. W. Arnold, in Blount county:

Pike

At the house of Daniel Mitchell, in Pike county:

Clarke

At Smith's store, in the County of Clarke, to be called Gains Town:

At the camp ground, in Capt. Searcy's beat, and at the house of John Pilbourn, in Capt. Hixon's beat, in the County of Henry Henry:

At the house of Wilson Boss, in the County of Covington:	Covington
At the house of Joseph Swarris, at Jack Springs, and at the house of Caleb Danna, in the County of Baldwin:	Baldwin
At the Indigo Head, in the County of Coffee:	Coffee
At the house of Elijah Rundles, in the County of Dale:	Dale
At the house of Charles Abingdon, in the County of St. Clair:	St. Clair
At Norwood's Mill, in the County of Greene:	Greene
At the house of Emanuel Peters, in Marshall county:	Marshall
At the house of Elizabeth Cook, in Butler county:	Butler
At the house of Miles Craig, in the County of Limestone:	Limestone
At the house of Ira Barker, in Marion county:	Marion
At the Cross roads, at William Garners, in Bibb county:	Bibb
At the house of William Seals, in Mobile county:	Mobile
At the house of John P. Rawdell, in Talladega county:	Talladega
At the house of William Jones, known as Jones' Store, and at the house of William G. Robinson, and at James Shaver's Mill, formerly Uequart's Mill, in Montgomery county:	Montgomery
At Murdoch McCorry, in Monroe county:	Monroe
At William Adkin's beat, number two, in the north east corner of Coosa county:	Coosa
Also, at Sol. Anderson's, in Mobile county:	Mobile
At David Berry's, in Fayette county:	Fayette
At Milton's shop, in the County of Lowndes, to be called Mount Vernon precinct.	Lowndes
At Hezekiah J. Fredericks, and at Richard Duncan's, in the County of Marion:	Marion
At the house of Matthew Payne, in the County of Walker:	Walker
At the late residence of John Godfrey, in beat number four, in the County of Pike:	Pike
At Bladdn's Spring, in Washington county:	Washington
At the house of Jacob Billender, in the County of Shelby:	Shelby
At Goshen, and Cedar Bluff, in the County of Cherokee:	Cherokee
At the house of William Jones, known as Jones' Store, and at the house of John Himes, in beat eleven, in the County of Russell:	Russell
At the house of William Cline, in Fayette county:	Fayette
At the place of holding Court in Captain Deffense's beat in Benton County:	Benton
Also, at the place of holding court in Capt. Spencer's beat, in said county; at Cross Plains, in Benton county:	
Sec. 2. And be it further enacted, That the following Election Precincts, be, and they are hereby abolished, to wit:	Precincts abolished
The Election Precinct heretofore established, at the house of John Sims, beat number three, in Russell county:	Russell

St. Clair	At Aubry's old place, in the County of St. Clair, at the house of the Widow Allen's, also in St. Clair;
Tallapoosa	The election precinct known as the Rowell precinct, in the County of Tallapoosa;
Dale	At the dwelling house of John Aird's, in the County of Dale;
Marshall	At the White house, in Marshall county;
Lauderdale	At Willeit's, in the County of Lauderdale;
De Kalb	At the house of Thomas G. A. Cox, at Camden, and at Rawlinsville, in the County of De Kalb;
Blount	At the house of Manoah Alexander, in Blount county;
Pike	At Sterling's, in the County of Pike;
Bibb	At the house of James Bogle, at the house of Matthew Cox, and at the house of John Garner, in the County of Bibb;
Clarke	At the house of William Jackson, called Gaintown, in the County of Clarke;
Henry	At the house of Samuel, or Lemuel Searcy, and at the Open Pond, in the County of Henry;
Covington	At the house of Noah Carroll, at the house of Burrett Boyt, at the house of Cerra Journegan, at the house of Reuben Harts, and at the gin house in the County of Covington;
Cherokee	Bailey's precinct in the County of Cherokee;
Coffee	At the house of William Wilkinson, in the County of Coffee;
St. Clair	At Russell J. Allens, and at the house of George M. Duke in the County of St. Clair;
Greene	At Candies landing, in the County of Greene;
Marshall	At Milton's Store, in Marshall county;
Limestone	At the house of — Jones, in Limestone county;
Talladega	At Houson's Mills, in Talladega county;
Monroe	At Dumas, at Bradley's, at the Ridge, and at McNell's, in Monroe county;
Fayette	At Berry's Mills, in the County of Fayette;
Lowndes	At Hardy's shop, in Lowndes county;
Marion	At the house of Welliger Self, in the County of Marion;
Mobile	At the house of Wilkerson's, in Mobile county;
Pike	At the house of Shadrack Dickson's, in beat number four, in the county of Pike;
Cherokee	At Harbour's, in the County of Cherokee;
Benton	At Sugar Hill, in the County of Benton;
	At Cunningham's, in Benton county;
	At Ladiga, in Benton county.

Approved, January 27, 1845.



[No. 127.]

## AN ACT

To apportion Representation to the several Counties in this State, and divide the State into Senatorial Districts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened;* That representation shall be apportioned among the several counties in the following manner:

Apportionment of Representatives.

The Counties of St. Clair, Blount, Walker, Marion, Bibb, Monroe, Washington, Clarke, Baldwin, Conecuh, Covington, Coffee and Dale, one Representative each.

The Counties of Henry, Limestone, Lawrence, Marshall, Morgan, De Kalb, Cherokee, Jefferson, Fayette, Pickens, Greene, Autauga, Shelby, Coosa, Wilcox, Tallapoosa, Randolph, Russell, Barbour, Pike, Macon, Lowndes, Butler, Dallas and Marengo, two Representatives each.

The Counties of Lauderdale, Franklin, Madison, Jackson, Benton, Tuscaloosa, Perry, Talladega, Montgomery, Sumter and Mobile, three Representatives each.

The County of Chambers, four Representatives.

Sec. 2. *And be it further enacted;* That Lauderdale, Madison, Jackson, Franklin, Benton, Talladega, Chambers, Russell, Macon, Montgomery, Barbour, Perry, Greene, Tuscaloosa, Sumter, Pickens, Dallas and Mobile, each shall be one Senatorial District.

And Limestone and Morgan, shall form one Senatorial District.

Lowndes and Butler, one:

Shelby and Bibb, one:

Autauga and Coosa, one:

Pike and Coffee, one:

Monroe, Conecuh and Covington, one:

Dale and Henry, one:

Marengo and Wilcox, one:

Washington, Clarke and Baldwin, one:

Marion and Fayette, one:

St. Clair and Jefferson, one:

Lawrence and Walker, one:

Randolph and Tallapoosa, one:

Marshall and Blount, one:

De Kalb and Cherokee, one:

Sec. 3. *And be it further enacted;* That the Sheriffs of the Counties of Limestone, Lowndes, Bibb, Autauga, Pike, Conecuh, Henry, Marengo, Fayette, Clarke, Jefferson, Lawrence,

Duty of re-  
turning offi-  
cers.

Tallapoosa, Blount and Cherokee, be the returning officers, of the Senatorial Districts to which their counties are attached; and it is hereby made the duty of the Sheriffs of the counties in each Senatorial District, to make to the returning officers of the proper Senatorial Districts, returns of the elections holden in their respective counties for Senator, within ten days after any such election; and it shall be the duty of the returning officers of the different Senatorial Districts, to compare the returns so made to them, and declare the election, make returns, and give certificates to the persons elected, as is now provided by law; and if there should be a tie shall give the casting vote.

Approved, January 28, 1845.

[No. 128.]

### AN ACT

For the relief of Elizabeth D. Anderson, of Franklin County.

Made free  
dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Elizabeth D. Anderson, wife of Isaac Anderson, of Franklin county, shall be capable in law of recovering, and holding by gift, purchase or inheritance, any property, real or personal, in the same manner and to the same extent, that a *feme sole* may do; and the property which she may hereafter acquire, by gift, inheritance or purchase as aforesaid, shall be free from liability, for, or on account of any of the debts of her said husband: *Provided*, that the said Elizabeth D. Anderson, shall be wholly incompetent to contract with her said husband in reference to any property she may hereafter acquire, by deed, gift, purchase, or inheritance in any manner whatsoever: *And provided further*, that she shall be wholly incompetent to sell and dispose of the same in any manner whatsoever, during coverture, *As read and testment.*

Approved, January 25, 1845.

[No. 129.]

### AN ACT

To limit the time of holding the County Court of Tuscaloosa County.

Term limited.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, the County Court of the County of Tuscaloosa, shall hold its sessions for each term two weeks, and no longer; any law to the contrary notwithstanding.

Approved, January 27, 1845.

[No. 130.]

## AN ACT

To incorporate the Dallas Mounted Guards, in the County of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Company, of Volunteers, in the County of Dallas, known and called the Dallas Mounted Guards, be, and the same is hereby incorporated and created a body corporate, by the name and style of the Dallas Mounted Guards, with the powers usual and incident to bodies corporate.

Sec. 2. *And be it further enacted,* That said company shall have power to form and adopt rules and regulations for the government of said company, as they may deem proper and expedient, the same not being repugnant to the Constitution of the United States, nor laws and constitution of this State.

Sec. 3. *And be it further enacted,* That said company shall consist of not less than forty, nor more than one hundred members, exclusive of officers commissioned, and the officers of said company shall be one Captain, two Lieutenants and one Cornet, and such other non commissioned officers as may seem necessary.

Sec. 4. *And be it further enacted,* That no member of this company shall withdraw therefrom, without the consent of the officers thereof in commission, and the consent of a majority of said company, unless the applicant shall remove without the bounds of the county in which said company is formed. And said company shall have six company drills in the year, and be at all times equipped and prepared for actual service, and shall be exempt from duty in the militia, save at regimental and brigade drills; and said company shall belong to the twenty-second regiment, seventh brigade, and sixth division, of the Alabama militia.

Sec. 5. *And be it further enacted,* That it shall be the duty of the Captain, to detail at least two patrol companies. to consist of five men, and a leader to each company, at every muster, who shall perform patrol duty in the same manner, and under the same rules as is now provided by law.

Sec. 6. *And be it further enacted,* That said company shall be exempt from working on public roads.

Approved, January 27, 1845.

[No. 131.]

## AN ACT

To amend an Act, entitled an Act, to incorporate Uniontown, in the County of Perry, approved, the twenty-third December, one thousand eight hundred and thirty-six.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act, entitled an act, to incorporate Uniontown, in the County of Perry, as requires all fines imposed by the Intendant and Council to be sued for, before some Justice of the Peace, be, and the same is hereby repealed.

Regulation of Board.

Powers defined.

Provide.

Sec. 2. *And be it further enacted,* That the intendent, and in his absence, any member of the council is hereby authorized and required, for all breaches of the by-laws and ordinances of said town, committed in his view, to command with or without a written precept, the Constable of the said corporation to arrest the body of the offender or offenders, and to bring him or them before the Intendant or any member of the council, to answer for said offence; and upon conviction of said offender or offenders, the Intendant or any member of the council, is hereby authorized to order the offender or offenders to be held in custody, within the limits of said corporation, any period not exceeding three days, or until such fine so imposed, together with all costs, shall be paid, or secured to be paid : *Provided,* that should any such offence be committed, not in the view of the Intendant or any member of the council, that then, upon proper complaint being made, the Intendant or any member of the council, shall issue a written precept, commanding that the offender or offenders, be brought before him, and thereupon the same proceedings shall be had as above provided for in this section.

Collection of fines.

Sec. 3. *And be it further enacted,* That in default of the payment of any fine imposed for any breach of the ordinances of said Town, the intendant or any member of the council, may, instead of ordering any such offender or offenders into custody, issue an execution, commanding the Marshal of said Town, or constable of the beat, of the goods and chattels of the offender or offenders, to make the amount of the fine and costs.

Discretionary powers.

Sec. 4. *And be it further enacted,* That the Intendant and council of said Town, may, by ordinances, empower the Intendant or any member of the council, at the trial of offenders, to impose discretionary fines not exceeding twenty dollars, in any one case.

Sec. 5. *And be it further enacted,* That the persons residing within said corporation, liable to work on roads by the

laws of this State, are hereby required to work on the streets and roads in said corporate limits, and shall be exempt from working on roads beyond the same. Exemption of persons in corporate limits.

Sec. 6. *And be it further enacted*, That all laws and parts of laws, so far as they contravene the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, 23d January, 1845.

[No. 132.]

## AN ACT

To incorporate a Female Academy, in the Town of Eutaw, in Greene County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Joseph Pickens, Williamson A. Glover, John C. Johnson, Nicholas R. Morgan, Amasa T. Park and John W. Womack, and their associates and successors in office, be, and they are hereby constituted a body corporate, by the name and style of the Mesopotamia Female Seminary; and by that name shall have full power and authority to have and to use a common seal, and the same to break, alter or amend at pleasure; to sue and be sued, to receive subscription for stock and gifts and donations, and to make purchases of real and personal estate, which shall enure to them and their successors, forever, and to sell and dispose of the same when it may be deemed expedient: *Provided*, the same do not exceed the value of fifty thousand dollars; and to grant certificates or diplomas, or such other evidences of scholarship as they may prescribe; and further to pass such by-laws, rules and regulations as the said corporation may deem essential for the government of the same: *Provided*, that such by-laws, rules and regulations be not repugnant to the laws and constitution of this State, or those of the United States. Body corporate.  
rate.  
Name and style.  
Powers.  
Provido.

Sec. 2. *And be it further enacted*, That the said Trustees and their successors, shall have power to establish and continue in the Town of Eutaw, Greene county, a Female Seminary, under such rules, regulations and conditions as may be deemed necessary by them, under the power that has been or may be granted to them by the stockholders in said Seminary, and to do any and all such acts as other incorporated literary institutions of this State, may lawfully do. Powers of Trustees.

Sec. 3. *And be it further enacted*, That said Trustees shall elect one of their number as President, and such other officers as may be necessary and desirable; and the Board of Trustees for said Institution, or Seminary shall be elected, and va- Organization.

cancies in said Board filled, at such time, and in such manner as the stockholders may prescribe and direct.

Property ex-  
empt from  
taxation.

Sec. 4. *And be it further enacted*, That so long as the property, real and personal, of said corporation shall be used for purposes of education, the same shall be exempt from taxation of any kind.

Quorum for  
business.

Sec. 5. *And be it further enacted*, That a majority of said Board of Trustees, shall be competent to transact all business pertaining to said corporation, and their acts shall be as valid and binding as if the whole Board were present.

Approved, 27th January, 1845.

[No. 133.]

## AN ACT

To Incorporate the Eufaula Male and Female Academy.

Corporaters.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John N. Copeland, Thomas Fleming, Leonard C. Harrison, Jacob Smith, John L. Hunter, Reuben C. Shorter, William D. Coman, Clayton R. Woods, Zadock J. Daniel, John Cochran, Jefferson Buford, John Gill Shorter, Alexander B. Crawford, James S. Pugh, George L. Barry, William Wellborne, William H. Thornton, and their associates and successors in office, be, and they are hereby declared a body corporate, by the name and style of the Male and Female Academy, of the Town of Eufaula, with all the rights, privileges and powers, incident to, or necessary and proper to be vested in, or exercised by a body corporate, for the purpose of education, and may hold real and personal estate free from taxation, not exceeding fifty thousand dollars.

Name and  
style.

Organization  
of Board.

Sec. 2. *And be it further enacted*, That so soon after the passage of this act as convenient, the said persons, or a majority of them, shall assemble and organize, by electing a President and other necessary officers and teachers, and adopting such constitution and by-laws, (not inconsistent with the laws of the State,) as they may deem expedient for the government of their body, and teachers and scholars, and for providing for the filling vacancies and fixing times of meeting, &c. &c.

Repeal.

Sec. 3. *And be it further enacted*, That the several acts, incorporating the Trustees of the Eufaula Female Academy, and the President and Trustees of the Alabama Military and Scientific Institute, of the Town of Eufaula, which passed, seventeenth January, one thousand eight hundred and forty-four, are hereby repealed; and all property belonging to said corporations, also all property belonging to the late Irwinton Male

and Female Academy, be, and the same is hereby vested in the body corporate created by this act.

Sec. 4. *And be it further enacted*, That after organizing as specified, in said second section, five members shall constitute a quorum at any subsequent regular, or called meeting, and a majority of those present shall decide any matter : *Provided*, nevertheless, that this act may be repealed, or modified at any time. Quorum for business.

Approved, 27th January, 1845.

[No. 134.]

### AN ACT

To establish a Board of Physicians, in the Town of Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Henry McKenzie, Edward Adolphus Pearson, James C. Knox, Benton W. Grpce, and Abner E. Fant, be, and they are hereby constituted a Board of Physicians, for the Town of Talladega, in the county of Talladega, to be styled, the Medical Board of Physicians, for the Town of Talladega. Board. in the Name and style.

Sec. 2. *And be it further enacted*, That a majority of said Board shall have power to fill all vacancies whenever they may happen, by death, resignation, removal, or otherwise. Vacancies.

Sec. 3. *And be it further enacted*, That the said Board shall be, and they are hereby constituted, the Medical Board of Talladega ; and it shall be their duty to examine the applicants for permission to practice medicine, to grant license, and do all other business required of said Board, by law. Duty of Board.

Sec. 4. *And be it further enacted*, That the said Board shall have power to adopt a constitution, and pass such by-laws, under the provisions of said act, as they may deem necessary for their government : *Provided*, such by-laws and regulations do not conflict with the constitution of the United States, or the constitution of the State of Alabama. Powers. Proviso.

Sec. 5. *And be it further enacted*, That the said Board shall be, and they are hereby required, to procure and keep an official seal, with such device as they may deem necessary, and they are hereby declared able and capable in law or equity, to receive and hold, have and enjoy, donations of real or personal property, not exceeding ten thousand dollars, to and for the use of said Board, and they or their successors may receive and hold the same by gift, grant, bequest, or purchase, either in fee simple or otherwise; to do and perform any other acts incident to bodies corporate: *Provided*, that nothing herein contained, shall authorize said corporation to exercise banking privileges. Regulations and powers of Board.



Repeal.

Sec. 6. *And be it further enacted*, That all laws contravening the provisions of this act, and also all laws heretofore made, in regard to the establishment of a Medical Board, in the Town of Talladega aforesaid, be, and the same are hereby repealed.

Approved, 27th January, 1845.

[No. 135.]

## AN ACT

To authorize Thomas Hollingworth to establish a Ferry, on Coosa River, in Cherokee County.

May establish  
ferry.

Rates.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas Hollingworth, of Cherokee county, be, and he is hereby authorized to establish and keep a public Ferry, over Coosa River, at, or near the Double Springs, in said county, and he shall be allowed to demand and receive, for crossing said Ferry, the rate of ferriage allowed by the Commissioners Court of Cherokee county.

Shall give  
bond.

Sec. 2. *And be it further enacted*, That the said Thomas Hollingworth shall give bond with sufficient security to the Judge of the County Court of Cherokee county, with the same conditions as are now required of other keepers of ferries, which bond shall only be renewed every four years, unless otherwise ordered by the Judge aforesaid, for the want of sufficient security; any law or usage to the contrary notwithstanding.

Approved, January 27th, 1845.

[No. 136.]

## AN ACT

For the relief of John Kirksey and Robert B. W. Kirksey.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after passage of this act, John Kirksey and Robert B. W. Kirksey, residing near the county line, dividing the counties of Marengo and Wilcox, shall be deemed and held as citizens of the county of Marengo, and entitled to the full exercise of all the privileges as such.

Approved, January 25, 1845.



[No. 137.]

## AN ACT

## Declaring the Conecuh River a Public Highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Conecuh River, be, and the same is hereby declared a public highway, from the Fish Trap Bridge, in Pike county, to the south line of the State of Alabama.

Approved, January 27, 1845.

[No. 138.]

## AN ACT

## To Incorporate the Bay Minette Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Origin Sibley, Charles McCullough, B. F. Rowland, Cyrus Sibley, William C. Dennis, and their associates, be, and are hereby constituted a body corporate and politic, under the name and style of the "Bay Minette Manufacturing Company," for the purpose of manufacturing cotton, hemp, wool, or any other material; and by that name and style, may sue and be sued, answer and be answered unto, in any Court of law or equity; and may have and use a common seal, and the same alter and amend at pleasure; and may have and hold real and personal property, to an extent necessary to carry on their business advantageously; with power to make such rules, by-laws and regulations for the good government of said company, as may not be inconsistent with the laws of this State or of the United States.

Corporators

Name and style.

Powers.

Sec. 2. *And be it further enacted,* That the capital stock of said Company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars, each, for which books may be opened, at such time and place, or times and places, as the parties may select: the Company not to be considered as organized until the sum of twenty thousand dollars is subscribed to said stock.

Capital stock

Sec. 3. *And be it further enacted,* That the stock of said Company shall be taken and deemed as personal property, and may be transferred and sold as such: *Provided, nevertheless,* that nothing herein contained shall authorize the exercise of banking privileges by said Corporation.

Character of stock.

proviso.

Approved, January 23rd, 1845.

[No. 139.]

## AN ACT

To explain an Act for the relief of Thomas J. Zimmerman and Wm. O. Pullen, passed fourteenth February, one thousand eight hundred and forty-three.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said described act, shall apply to all persons who may at any time reside at the residences of the above named persons, and also to all property that may now or hereafter be located on said places.

Approved, 25th January, 1845.

[No. 140.]

## AN ACT

To repeal an Act, entitled an Act, to alter and define the Northern boundary line, of East Wetumpka.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, approved the twelfth day of February, one thousand eight hundred and forty-three, to exclude from the corporate limits of East Wetumpka, the Northeast fractional quarter of section twenty four, of township eighteen, and range eighteen, in the District of lands for sale at Cahawba, be, and the same is hereby repealed: *Provided,* that no by-law or ordinance, shall be adopted by the corporate authorities of the City of Wetumpka, the effect of which would be to give any one wharf a preference over any other wharf, within the jurisdictional limits of said corporate authorities.

Approved, 27th January, 1845.

[No. 141.]

## AN ACT

To amend an Act, entitled an Act, to incorporate Lafayette, in Chambers County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the citizens who reside within the corporate limits of Lafayette, in Chambers county, as are prescribed and defined by an act, entitled an act, to incorporate Lafayette, in Chambers county, approved, sixteenth January, one thousand eight hundred and forty-four, shall not be compelled to work upon, or open roads beyond the limits of said corporation.

Exemption of  
citizens of  
town.

**Sec. 2.** *And be it further enacted,* That the road hands, who live without the limits of said incorporation, shall not be required to work on roads within said incorporation.

Exemption of  
citizens of  
county.

Approved, 27th January, 1845.

[No. 142.]

## AN ACT

To incorporate the Town of Union, in the County of Greene.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of Union, in the County of Greene, be, and the same is hereby incorporated; and there shall be elected on the first Monday in March next, one intendant and five councillors for said town, and on the first Monday in March, annually thereafter, an election shall be held for said officers.

Incorporation.

Election of  
officers.

**Sec. 2.** *And be it further enacted,* That the name and style of said corporation shall be the Intendant and Councilmen of said Town of Union; and by that name they may sue and be sued, plead and be impleaded, take and hold property, both real and personal, and the same sell and dispose of in such manner as may be most beneficial to said town, and not inconsistent with the laws of land.

Name and  
style.

Powers.

**Sec. 3.** *And be it further enacted,* That William Davis, William Miller, E. D. Rentfro, J. P. Davis, S. F. Archibald, William Foster, and J. S. Bouchillon, or a majority of them be, and they are hereby authorized to hold an election in said town, on the first Monday in March next, for an intendant and five councilmen; at which election, and every subsequent election, all persons shall vote, who are qualified to vote for members of the General Assembly of this State; and in case the persons herein named, or a majority of them, refuse or fail to hold such election, then any other seven persons, or a majority of them, being citizens of said town, may hold the same.

Persons to  
hold first  
election.

Eligibility of  
voters.

**Sec. 4.** *And be it further enacted,* That should any vacancy occur in said board of officers, by death, resignation, or otherwise, it shall be the duty of the board to fill said vacancy at the annual election thereafter, and all annual elections shall be held by the intendant and councilmen, last in office, or a majority of them.

Vacancies,  
how filled.

**Sec. 5.** *And be it further enacted,* That the boundaries of the incorporation aforesaid, shall be as follows, to wit: the north east quarter of south west quarter, and the north west quarter of section eight, township twenty-three, range two, east.

Limits of cor-  
poration.

Powers of  
Board defined

Sec. 6. *And be it further enacted*, That the intendant and councilmen, or a majority of them, are hereby vested with full power to keep open the streets and alleys of said town, to preserve the peace and good order of the same; to fine for assaults and battery, and the same to collect; to keep the streets in repair; to prohibit the retailing of spirituous liquors in quantities less than one quart; and that not to be drank within the limits of the corporation, but on forfeiture of a fine of one thousand dollars, to be recovered in any court of law of this State; all such fines and forfeitures to the use and benefit of the corporation; to pass all by-laws, for the purpose of carrying the powers herein granted into effect, and all other powers necessary for the good government of said town, not inconsistent with the laws of the State.

May levy tax.

Sec. 7. *And be it further enacted*, That the said intendant and council, shall have power to levy a tax on the inhabitants and property of said town, to raise money for the government and management of the affairs of said incorporation.

Clerk and  
Treasurer to  
be elected.

Sec. 8. *And be it further enacted*, That the said intendant and council, shall on the day succeeding such election, or so soon thereafter as convenient, select by ballot, a clerk, treasurer, and town marshal, for said town; and it shall be the duty of the clerk, to issue all executions for fines and taxes that may be necessary, which he shall sign and deliver to the marshal, whose duty it shall be to collect the same, and pay over the same to the treasurer.

Officers may  
be removed.

Sec. 9. *And be it further enacted*, That said intendant and council, shall have power to remove from office, the treasurer, marshal and clerk, upon satisfactory reasons, and appoint others, and shall fix the salaries of each of said persons, and take bonds for the faithful performance of their duty.

Sec. 10. *And be it further enacted*, That all laws contravening this act, be and the same are hereby repealed.

Approved, January 25, 1845.

[No. 143.]

## AN ACT

To authorize Lewis T. Greene, to build a mill on the Coosa river.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Lewis T. Greene, of the County of Talladega, be, and he is hereby authorized to erect a saw mill, grist mill, and other water works, at a point on the Coosa river, (so

as not to obstruct the navigation thereof,) adjoining the lands known and designated as fraction B, of fractional section twelve, in township sixteen, of range four, east; any law to the contrary notwithstanding.

Approved, January 25, 1845.

[No. 144.]

### AN ACT

To incorporate the Florence Fire Engine Company.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That Samuel W. Probasco, James Irvine, James H. Reister, Zebulon P. Morrison, George W. Sneed, and their associates of the town of Florence, be, and they are hereby incorporated under the name and style of the Florence Fire Engine Company. Corporators.  
Name and style.

Sec. 2. *And be it further enacted,* That the members of the said fire engine company, be, and they are hereby exempted from all military duty during a time of peace. Privileges of members.

Sec. 3. *And be it further enacted,* That the Judges of the different Courts are authorized to excuse from serving on juries, any of the members of said company, if in the discretion of the Judges it be deemed proper. Duty of judges.

Approved, January 25, 1845.

[No. 145.]

### AN ACT

To incorporate the Trustees of the Seamen's Home.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Collier H. Minge, Walter Smith, James F. McBride, C. P. Caldwell, Rufus Green, Thomas W. McCoy, Franklin C. Heard, George Cleveland, jr., Alanson Knapp, Thomas P. Miller and Daniel Chandler, be, and they are hereby created a body politic, and corporate in deed and in law, by the name of the "Trustees of the Seaman's Home," and by that name they and their successors shall have perpetual succession, and be able and capable in law, to have, receive, purchase, and enjoy to them and their successors, lands, tenements, hereditaments of any kind, in fee, or for life, or for years, and personal property of any kind whatever, and also all sums of money which may be given, or bequeathed to them: *Provided,* that the said trustees shall never have an estate, either real or personal, to exceed twenty thousand dollars at any one time. Corporators.  
Name and style.  
Powers.  
Proviso.

Abilities and  
powers fur-  
ther defined.

Sec. 2. *And be it further enacted*, That the said trustees have, or may have, a common seal for the business of themselves and their successors, with liberty to change or alter the same, from time to time, as they shall think proper; and by the aforesaid name they and their successors shall be able to sue and be sued, plead and be impleaded, answer and be answered; defend and be defended, in all Courts of law and equity in this State, and to grant, bargain, sell, assign, convey and appropriate, any lands, tenements, goods, chattels, or property, in such manner as they or a majority of them may deem most expedient for the promotion of the interest of the seaman, and of the objects of this incorporation, and so to act, and do as in their opinion may benefit the same in as ample a manner as any person, or body politic, or corporate, can, or may do by law.

Misnomer  
shall not de-  
feat gift.

Sec. 3. *And be it further enacted*, That no misnomer shall defeat or annul any gift, grant, devise or bequest to the said Trustees of the Seaman's Home: *Provided*, that the true intent of the person or persons shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby the estate, property, or interest was intended to pass.

Trustees may  
pass by laws.

Sec. 4. *And be it further enacted*, That the trustees shall have power to make all such ordinances by laws and regulations for their management as they may deem necessary and expedient, and a majority of them shall have power to fill any vacancy that may happen, either by death, resignation, removal, or otherwise: *Provided*, that nothing herein contained, shall be so construed as to prevent the Legislature from altering or repealing this act.

Approved, January 25, 1845.

[No. 146.]

## AN ACT

To Incorporate the Coosa Manufacturing Company.

Corporate  
name and  
style.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Wm. Wright Morris, and his present and future associates are herby declared and constituted a body corporate, by the name of the Coosa Manufacturing Company.

Ability of  
Company.

Sec. 2. *And be it further enacted*, That the company hereby incorporated, shall be capable of purchasing, holding and conveying of, only so much lands, tenements, and hereditaments, as well as personal property, as may be necessary to carry into effect the legitimate objects of said corporation, not to exceed two hundred thousand dollars in value.

Sec. 3. *And be it further enacted*, That said company, by its corporate name, shall have power to sue and be sued, answer and defend, in all courts having jurisdiction of the subject matter whatsoever; and also of contracting and being contracted with, in relation to the business and purposes for which said corporation is created; and the said corporation shall have a common seal and may alter, destroy, or renew the same at pleasure.

Sec. 4. *And be it further enacted*, That subscriptions to the capital stock of said company, shall be regulated by the said W. W. Morris and his associates, as to the time, place, when and where said subscriptions shall be taken, the amount to be paid on subscribing, and the time or times when the remaining portion shall be paid in, with full power to regulate the whole matter, and to declare forfeitures under certain rules, when stockholders fail to comply; and to do all things which may ensure the punctual payment of the several instalments of stock required as they become due: *Provided*, that any regulation thus adopted shall be general, and operate on all subscribers alike: *And provided also*, that should any stockholder fail to pay in his subscription of stock according to the requisitions of said corporation, the same shall have power on ten days notice to the defaulting stockholder, to move for and obtain judgment in either the Circuit or County Court of the county in which the factory of said corporation may be located, for the amount of subscription for which he may be in default, with ten per cent. thereon, and costs of suit.

Sec. 5. *And be it further enacted*, That as soon as the subscription of stock shall amount to a sum sufficient to commence operations in the prosecution of said enterprise, (which amount shall, as determined by said Morris, and his associates, and set forth in their book of subscription for stock) the said stockholders shall, and are authorized to elect five trustees, who shall manage the property and concerns of said corporation, one of whom shall be appointed President by the other trustees; said trustees shall be chosen annually, on the first Monday in January, at such place as the trustees for the time being, shall direct; and the capital stock of said corporation shall never exceed five hundred thousand dollars; and a President shall be elected annually, on the first Monday in January, in each and every year in manner aforesaid.

Sec. 6. *And be it further enacted*, That if an election of trustees or President should not be made on the day appointed in this act, or on some other day to which the stockholders may have altered the time, the corporation shall not for that be dissolved, but may on any other day hold an election for trustees, in such manner as may have been provided by the

by-laws of said incorporation, and the trustees, when elected, shall in like manner elect a President.

**Stock.** Sec. 7. *And be it further enacted,* That the stock of said corporation shall be assignable and transferable, according to such regulations as the trustees may adopt, and no stockholder indebted to said company, either for subscription of stock or otherwise, shall be permitted to make a transfer of stock, or receive a dividend until such debt be paid, or arranged to the satisfaction of the trustees.

**Shall be registered.** Sec. 8. *And be it further enacted,* That the stock of said corporation, and the transfers of the same, (when made,) shall be registered in a book, to be provided by the trustees, and kept by them, at or near the factory buildings, which shall at all times be open to the inspection of each and every stockholder.

**Meetings.** Sec. 9. *And be it further enacted,* That said trustees shall call meetings, and notify the stockholders of the same, whenever required by the stockholders owning one fourth part of the stock; and no meeting shall be competent to transact business, unless persons owning collectively, a majority of the stock shall be present in person or by proxy.

**Quorum.** Sec. 10. *And be it further enacted,* That the trustees, for the time, or a majority of them, shall form a quorum, for the transaction of business, and shall have power to make all such by-laws, rules and ordinances, as to them may appear needful, touching the management and disposition of the property and effects of said corporation, and all such matters as may appertain to the concerns of said institution; and they shall have power to appoint and employ all such officers and servants, as they may deem necessary, for the transaction of the business of said corporation, and to displace such officers and servants at pleasure.

**Powers of trustees.** Sec. 11. *And be it further enacted,* That the trustees, for the time being, shall also have power to appoint an agent, to be approved of by a majority of the stockholders, or persons owning a major part of the stock, to act in their behalf for said corporation; and all contracts entered into for, and on account of said corporation, and signed by said agent, shall be binding on said corporation, in like manner as if entered into by said trustees: *Provided,* that said agent or trustees are hereby debarred from making, or causing to be made, any contract in behalf of said corporation, which is not to be performed within twelve months from its date, unless it be by special authority, given by a legally constituted meeting and vote of stockholders, according to the ninth section of this act.

**Proviso.**



Sec. 12. *And be it further enacted*, That the trustees shall at all times, keep, or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the corporation, and they shall also keep regular minutes of the proceedings of all their meetings, and also of those of the stockholders; which books shall at all times be subject to the examination of the stockholders, or either of them. Books of accounts to be kept.

Sec. 13. *And be it further enacted*, That said trustees shall make semi-annual dividends of so much of the profits of said corporation as they may think proper, and cause the same to be paid to the stockholders. Dividends.

Sec. 14. *And be it further enacted*, That the said W. W. Morris and his associates, on opening the books for subscription of the capital stock of said corporations, shall set forth therein, such conditions as they are authorized to impose on the subscription of stock, according to the terms of this act. Condition to be set forth.

Sec. 15. *And be it further enacted*, That this corporation shall not have the privilege to exercise banking powers, or to exercise any other powers not necessary and proper, to carry out the foregoing granted powers, according to the true intent of the establishment of said institution. Restriction.

Sec. 16. *And be it further enacted*, That the capital stock of said company, shall be divided into shares of one hundred dollars each; that the number of votes to which each stockholder may be entitled, shall be equal to the number of shares which he may hold; each share being entitled to one vote: *Provided*, that no stockholder shall be entitled to more than one hundred votes; nor shall any share or shares confer a right of suffrage, which shall not have been owned and held for three calendar months next preceeding any election. Capital stock to be divided into shares.

Approved, 27th January, 1845.

[No. 147.]

## AN ACT

To incorporate the Girard Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Samuel G. Ingersoll, and John Goodwin, together with their associates, and such other persons as may hereafter be associated with them, be, and they are hereby made and constituted a body corporate, in fact and in name, under the style and title of the "Girard Rail Road Company," in Russell county, to extend for seven miles out from said Ingersoll's mill, in the town of Girard, in the direction of Crawford, the county seat of said county; and by that name shall be, and are hereby Corporators. Name and style.

Powers and  
privileges.

made able and capable in law, to have, purchase, receive, possess, enjoy, and realize to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of whatsoever kind, nature or quality, in any amount, in the whole not to exceed thirty thousand dollars, including the capital stock of said company; and the same to sell, grant, demise, alien and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts having competent jurisdiction; to make, use, and have a common seal, and the same to break, alter, and renew at pleasure.

Further powers.

Sec. 2. *And be it further enacted*, That said body corporate, shall have power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken and paid and transferred; and also to prescribe the mode by which stockholders may vote, and the number of votes to which each shall be entitled: *Provided, nevertheless*, the rule adopted shall be uniform, equally securing the rights of each stockholder; and also to provide by ballot, for the election of such officers as may be deemed necessary for the government and good management of the affairs of said corporation; and also to ordain, establish, and put in execution, such by-laws, ordinances, and resolutions, as they shall deem necessary and expedient, for the government of said corporation, not being inconsistent with the Constitution of the State of Alabama, or of the United States, and in general to do and execute all and singular, the act, matters and things which to them it shall or may appertain to do, subject nevertheless to such restriction, as may hereafter be imposed by the Legislature, not inconsistent with the object for which this act of incorporation was granted: *Provided*, nothing herein contained, shall be so construed as to confer banking privileges on said corporation.

Proviso.

Sec. 3. *And be it further enacted*, That this act shall be in force for the term of thirty years, from and after the date of its passage.

Approved, January 25, 1845.

[No. 147.]

## AN ACT

To enable the President and Directors of the Dayton Literary Association, to confer Degrees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the Dayton Literary Association, are hereby constituted Trustees of the

Dayton Female Seminary, who, with the principal and teachers of said Seminary, shall have full power, to grant or confer such degree or degrees, in the arts and sciences, to any of the students of said Seminary, by them thought worthy, as are usually granted and conferred by other Seminaries of like character; and shall have power to give diplomas or certificates, signed by them, and sealed with the common seal of the Directors of said Association, to authenticate and perpetuate the memory of such graduation.

Power given  
to confer de-  
grees, &c.

Approved, 17th January, 1845.

[No. 148.]

### AN ACT

To incorporate the Philomathic Society, of the University of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Philomathic Society of the University of Alabama, be, and is hereby established and declared a body corporate and politic, and by that name shall have power to receive and hold personal property by gift, purchase, or devise; also to sue and be sued, plead and be impleaded, to have and to use a common seal, and to pass all laws for the internal government of said Society, not inconsistent with the constitution and laws of this State, nor with the by-laws and regulations of the Trustees and Faculty of the University of Alabama.

Body corpor-  
ate.

Sec. 2. *And be it further enacted,* That all property belonging to said Society, shall forever be, and remain free from taxation.

Property ex-  
empt from  
taxation.

Approved, 25th January, 1845.

[No. 149.]

### AN ACT

For the relief of Wm. Erwin, of Perry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Erwin, of Perry county, is hereby made capable in law and equity, to own, purchase or convey real estate.

Approved, January 25, 1845.

[No. 150.]

## AN ACT

For the relief of John S. Brooks.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of the State of Alabama, be, and he is hereby authorized and empowered, to remit a fine heretofore imposed upon John S. Brooks, as security for the appearance of Andrew J. Hale, and his wife Polly, at the March term, eighteen hundred and forty-three, of the Circuit Court of Blount county, or so much thereof as to him shall appear just and proper.

Approved, January 27, 1845.

[No. 151.]

## AN ACT

To incorporate Orion Academy, in Pike County, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Male and Female Academy, situate in township eight, range twenty, in the County of Pike, be, and the same is hereby incorporated, by the name and style of the Orion Male and Female Academy, of Pike county; and that Solomon Siler, Eli Henderson, N. B. Johnson, William C. White, and Benjamin Dailey, be and they are hereby appointed Trustees of the said Academy from the passage of this act, until the first day of January, eighteen hundred and forty-six, and from thence, until others shall be elected, as hereinafter provided.

Name and style.

Powers of Trustees.

Sec. 2. *And be it further enacted,* That the above named Trustees, shall have power to make all necessary rules and by-laws necessary for the benefit of the above incorporation, not incompatible with the laws and constitution of this State and of the United States.

Vacancies.

Sec. 3. *And be it further enacted,* That it shall and may be lawful to, and for the said Trustees, at any time hereafter, to elect other fit and proper persons to act as Trustees of said Academy, to take their seats as such Trustees, either to fill vacancies which may occur from any cause, or for the expiration of the term for which the above named Trustees are appointed.

Sec. 4. *And be it further enacted,* That the said Trustees and those who may hereafter be elected, shall have power to

hold property, real and personal, in trust, for the use and benefit of the said Academy, not exceeding in value three thousand dollars, and may sue and be sued in the courts of law or chancery, in the name of the said corporation. Ability of trustees.

Sec. 5. *And be it further enacted*, That neither the above named Trustees, nor any others hereafter to be elected, shall ever exercise banking privileges. Restriction.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for any future Legislature to alter, amend, or repeal the above act at pleasure; any law, usage or custom to the contrary notwithstanding. Reservation.

Approved, January 25, 1845.

[No. 152.]

## AN ACT

To authorize Jack Demery, of the County of Montgomery, to emancipate certain slaves therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Jack Demery, of the County of Montgomery, be, and he is hereby authorized, to emancipate and set free, a female slave, named Eliza, and also three other slaves, viz: Francis Elizabeth, about five years of age, John, about three years of age, and Amanda Victoria, about two years of age, all the property of said Jack Demery. Authorized to emancipate certain slaves

Sec. 2. *And be it further enacted*, That it shall only be necessary for the said Jack Demery to file, in the office of the Clerk of the County Court of Montgomery county, a declaration in writing subscribed by him, and attested by two respectable witnesses, setting forth that he desires to emancipate, and does thereby emancipate and set free said slaves, and from and after the filing of said declaration, said slaves shall be wholly and entirely free, and entitled to all the rights and privileges of other free colored persons: *Provided*, that nothing herein contained, shall be so construed as to effect the right of creditors. Declaration to be filed.

Sec. 3. *And be it further enacted*, That the Clerk of the County Court of Montgomery county, shall enter said declaration upon the records of the Court, and also retain the original declaration among the papers in his office.

Approved, 27th January, 1845.

[No. 153.]

## AN ACT

To rescind a certain contract therein named.

Preamble.

WHEREAS, it appears from satisfactory evidence, that a large majority of the citizens of the township sixteen, range five, east, in Talladega county, are in favor of rescinding the contract of purchase of the lands herein named. Therefore,

Contract may  
be rescinded.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Cashier of the Bank of the State of Alabama, or the Cashier of the Bank in which is deposited the note or notes, the amount of which is specified below, be, and he is hereby authorized to deliver up to Abner Howard, the note or notes given by him and others, (William King being the principal,) for the purchase of proceeds of land lying in Talladega county, in the section and township aforesaid, known and designated as lots number eight, number ten, and number eleven, containing forty acres each, more or less, at the sum of five hundred and eighty-four dollars and eighty cents.

Proviso.

Sec. 2. *And be it further enacted,* That said contract of purchase be, and the same is hereby rescinded: *Provided however,* that the moneys heretofore paid on said contract of purchase, shall not be paid or received: *And provided further,* that said rescission shall not take effect, without the consent of all the obligors to said contract, or the representatives of such obligors, if any of them be dead.

Approved, 27th January, 1845.

[No. 154.]

## AN ACT

For the relief of Joel Durham.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State of Alabama, be, and he is hereby authorized to investigate and examine into the facts connected with a fine imposed on Joel Durham, of the county of De Kalb, at the fall term of the Circuit Court of eighteen hundred and forty-four, of said county, and after making said examination, he is hereby empowered to remit or discharge all or such parts of said fine imposed on said Joel Durham, as he may deem advisable.

Approved, 25th January, 1845.

[No. 155.]

## AN ACT

To compensate the President of the State Bank for extra services.

WHEREAS, by an act, entitled an act, to regulate the State Bank of Alabama, approved, fourteenth of February, one thousand eight hundred and forty-three, and an act explanatory thereof, approved, December twenty-six, one thousand eight hundred and forty-three, it was made the duty of the President of the Bank of the State of Alabama, to proceed to the city of New York, to transfer and convey the Bonds, authorized to be made and transferred by this State, in lieu of the Bonds that were to fall due in the year one thousand eight hundred and forty-four: And whereas, in pursuance of said act, Joel Riggs, the President of the State Bank faithfully performed the said duty, thereby undergoing great extra labour and incurring great expense, the said explanatory act having been passed subsequently to his election: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts, be, and he is hereby authorized to draw his warrant on the Treasurer for the sum of two hundred and fifty dollars, in favor of Joel Riggs, to compensate him for the services rendered as aforesaid, and that the said sum be paid out of any money in the Treasury not otherwise appropriated.

Approved, 25th January, 1845.

[No. 156]

## AN ACT

For the relief of Thomas G. A. Cox.

Section. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the President and Directors of the Branch of the Bank of the State of Alabama at Decatur, be authorized, and they are hereby required to enter on the books of said Bank, a credit of one hundred and fifty-six dollars and twenty-five cents, in favor of Thomas G. A. Cox, which amount the said President and Directors are hereby authorized to pay over to said Thomas G. A. Cox, after deducting therefrom, all that said Cox may be in any wise indebted to said Branch Bank: *Provided*, as credit mentioned in this act, to be given to said Cox: *Provided*, John C. Johnson, to whom the amount was paid, was the agent of the Decatur Bank in the County of Marshall, for the collection of debts due said Bank in said county.

Approved, 25th January, 1845.

[No. 157.]

## AN ACT

To revive an act, to incorporate the Town of Yorkville, in the County of Pickens.

Act revived. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act, entitled an act, to incorporate the Town of Yorkville, in the County of Pickens, approved, November the twentieth, A. D. one thousand eight hundred and thirty-seven, and ~~all~~ the provisions of the same are hereby revived.

Election of officers. Sec. 2. *And be it further enacted,* That the citizen of said corporation, legally entitled to vote for officers of said corporation, may proceed to hold an election for officers of said corporation, upon giving thirty days notice of the time and place, and shall thereafter hold annual elections on the first day of January, in each and every year, for officers of said corporation.

Repeal. Sec. 3. *And be it further enacted,* That all laws and parts of laws ~~contravening~~ the provisions of this act, be, and the same are hereby repealed.

Approved, January 25, 1845.

[No. 158.]

## AN ACT

For the benefit of Elizabeth H. Thorpe.

Made free dealer. Proviso. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Elizabeth H. Thorpe, shall have and exercise all the rights and privileges of a *feme sole*, and have, receive, and acquire property real or personal, by gift, purchase, or otherwise, and the property by her acquired, whether by gift, or purchase, or otherwise, or by inheritance, shall be vested in her for her sole use, profit and behoof, free from the control of her husband, Joel Thorpe, and from all liability for his debts; and the said Elizabeth H. Thorpe may sue and be sued, as a *feme sole*, and any property by her acquired shall descend to and vest in her legal heirs, any law, usage or custom to the contrary, notwithstanding. *Provided,* that the said Elizabeth H. Thorpe, and her husband, Joel Thorpe, shall be incapable of contracting with each other, either in law or equity, through the intervention of trustees, or otherwise.

Approved, January 25, 1845.



[No. 159.]

## AN ACT

For the relief of Caroline M. Youngblood.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for Caroline M. Youngblood, wife of Wm. F. Youngblood, of the County of Dallas, to take, receive and hold, by purchase, gift, or inheritance, any property, real or personal, free from the hinderance, molestation or authority of her husband, and the same to dispose of by will, gift or sale, in the same manner as a *feme sole*: *Provided*, the provisions of this act, shall apply only to such property, as she shall acquire by her own exertions, or from other persons than her husband, and shall not operate to the prejudice of existing creditors as to property heretofore acquired: *And provided also*, that the said Caroline M. Youngblood and her husband, shall be incapable of contracting with each other, either in law or in equity, through the intervention of trustees, or otherwise. Made free dealer.  
Provided.  
Proviso.

Approved, January 25, 1845.

[No. 160.]

## AN ACT

For the relief of Jack Shackelford,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Cashier of the Branch of the Bank of the State of Alabama at Decatur, be, and he is hereby authorized and required to pay over to Jack Shackelford, the sum of ninety-seven dollars and eighty cents, out of the internal improvement fund; any law to the contrary notwithstanding.

Approved, 23rd January, 1845.

[No. 161.]

## AN ACT

To repeal an act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act, entitled an act, to regulate the times and places of holding musters in the seventy-third regiment of Alabama militia, approved, the third day of February, eighteen hundred and forty, be, and the same is hereby repealed.

Approved, 22d January, 1845.

[No. 162.]

## AN ACT

To prevent the poisoning of Fish in the water courses running through the Counties of Barbour and Pike, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* convened, That from and after the passage of this act, it shall not be lawful for any person or persons to poison fish in any river, creek, or branch, running in or through the Counties of Pike and Barbour, or to impregnate with any kind of poison, the water courses aforesaid.

Unlawful to  
poison waters

Sec 2. *And be it further enacted*, That any person or persons violating the provisions of this act, upon conviction of the same before any magistrate, shall be fined in the sum of forty dollars; one half of said fine to be paid to the person or persons prosecuting offenders to conviction, and the other half to be paid into the treasury of the county, for county purposes.

Penalty for  
violating.

Approved, January 25, 1845.

[No. 163]

## AN ACT

To incorporate Fair Prospect Academy, in the County of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly* convened, That the male and female Academy in the County of Montgomery, located on the south-east quarter of section nineteen, township twelve, range eighteen, be, and the same is hereby incorporated, by the name and style of Fair Prospect Academy, and by that name may hold real and personal property not exceeding ten thousand dollars, and may sue and be sued in any Court of law or chancery in this State.

Corporate  
name and  
style.

Sec. 2. *And be it further enacted*, That the Reverend Christopher Oliver, Thomas Caffey, Doctor William N. Cane, Doctor James Colvin and Doctor M. C. Meens, be, and they are hereby appointed trustees of the said Academy, and to continue in office until successors are elected, according to the provisions hereinafter set forth.

Names of  
Trustees.

Sec. 3. *And be it further enacted*, That at any time within twelve months from the passage of this act, it shall be the duty of the persons named as trustees, in the second section of this act, to assemble at the place designated by this act, as Fair Prospect, on some day to be fixed by a majority of the said

Organisation  
of Board.

persons, and to elect from among themselves a President, Secretary, and Treasurer, with such other officers as the said trustees may think proper to appoint and elect, and at the same time to pass such by-laws, rules and regulations, for the government of the said academy, as the said trustees may deem proper and advisable: *Provided*, such by-laws, rules and regulations shall not be inconsistent with the constitution of the United States, this State, or the laws of this State. Proviso.

Sec. 4. *And be it further enacted*, That at no time shall the said corporation exercise banking privileges. Restrictions

Sec. 5. *And be it further enacted*, That it shall and may be lawful for the Legislature at any time hereafter, to alter, amend, or repeal this act, any law, usage or custom, to the contrary notwithstanding. Reservation.

Approved, January 25, 1845.

[No. 164.]

## AN ACT

To amend an act to incorporate the Howard College, in Marion, Perry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the term of office and the powers of the Board of Trustees created by the act of incorporation of which this act is an amendment, shall expire and cease with the close of the next annual meeting of the Baptist State Convention of Alabama. Old Board of Trustees to cease.

Sec. 2. *And be it further enacted*, That said convention at its next annual meeting aforesaid, may proceed to elect a board of fifteen trustees for said college, to serve for six years, of which number one-third shall go out of office biennially, and when they shall so go out of office, their vacancies shall be filled, and all future vacancies in said board, by the Convention. New Board, how elected.

Sec. 3. *And be it further enacted*, That the privileges, rights and powers of the said new board of Trustees, and all subsequent boards so elected, shall be the same conferred by the said act of incorporation on the original board, and in all respects subject to the same rules and regulations by said act imposed, they shall control and manage the affairs of said college. Powers.

Sec. 4. *And be it further enacted*, That so much of the said act of incorporation, of which this is an amendment, as conflicts with the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, January 21, 1845.

[No. 165.]

## AN ACT

To authorize Eli E. Gaither, to erect a Mill on the west bank of the Coosa river.

May erect  
mills, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Eli E. Gaither of the County of Coosa, be, and he is hereby authorized, and permitted to erect a saw and grist mill, with such other machinery, as he, his heirs, or assigns, may think proper, to affix to the same, on the west bank of the Coosa river, in the County of Autauga, at such convenient point above the Wetumpka bridge, as he or they may select.

Shall not ob-  
struct naviga-  
tion.

Proviso.

Sec. 2. *And he it further enacted*, That the full and free navigation of said river, shall in no way be impeded or obstructed by said mill, or any of the machinery appertaining to the same; but that the main channel of said river shall remain open and free for all water crafts, that may pass up and down said river: *Provided*, that this act shall not be construed so as to prevent the Legislature, from granting similar privileges to other individuals: *And provided further*, that the vested rights of other persons be not disturbed by the said Eli E. Gaither.

Approved, January 25, 1845.

[No. 166.]

## AN ACT

For the relief of Mary Ronan.

Made free  
dealer.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Mary Ronan, of the city of Mobile, be, and she is hereby authorized to have, hold and enjoy, that portion of the real and personal estate of her deceased brother, James Ronan, as would have been allotted to her by law, had the said James Ronan and the said Mary Ronan, both been citizens of the United States, at the time of the death of the said James: *Provided however*, that all the property whereof said James died possessed, shall be charged with the payment of his just debts, and to claim for dower, if he left a wife surviving him.

Approved, January 25, 1845.

[No. 167.]

## AN ACT

To appoint Will. E. Bird, Escheator for the County of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Will. E. Bird, be appointed Escheator for the County of Dallas, to prosecute and finish all process now pending, in relation to the estate of Matthew Plunket, deceased, heretofore commenced by him, and that he have all such powers to prosecute the same to final termination, as are now by law vested in the Judge of the County Court. Powers.

Sec. 2. *And be it further enacted,* That the said Will. E. Bird, shall be required to give bond in such amount as shall be required by the Judge of the Circuit Court for the faithful performance of his duties as such Escheator. Shall give bond.

Approved, January 25, 1845.

[No. 168.]

## AN ACT

To incorporate the President and Trustees of the Franklin Seminary, in Pickens County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Dabney Pucket, Benjamin F. Wilson, Henry L. Ward, Benjamin F. Roper, Edmund T. Bush, John Crowell and Francis W. Bostick, and their successors in office, be, and they are hereby created a body politic and corporate, in deed and in law, by the name and style of the "President and Trustees of the Franklin Seminary," at Carrollton, in the County of Pickens; and by that name shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, and shall have power to contract and be contracted with, to receive donations and bequests; and to have and hold real and personal property in perpetuity, for the purposes of education, and the promotion of learning in said Seminary: *Provided,* that such property shall not at any time exceed the value of ten thousand dollars. Corporators.

Sec. 2. *And be it further enacted,* That said board of trustees, or a majority of them, shall have power to establish all such lawful rules, regulations and by-laws, as they may deem proper, for the good government of said Seminary, and all those connected therewith. Name and style.  
Powers.  
May establish rules.

Sec. 3. *And be it further enacted,* That said board of trustees, shall have power to appoint a President, Secretary, and Treasurer, and such other officers, directors or visitors, as they Organization.

may deem necessary or expedient, for the good government and well being of said Seminary, and to prescribe the duties of each, to grant such rewards, and confer such honors on graduates, as to them may seem expedient, and to have and use a common seal, and the same to break, alter, or renew at pleasure.

Vacancies,  
how filled.

Sec. 4. *And be it further enacted*, That vacancies which may occur in the board of trustees from any cause, shall be filled by a majority of the remaining trustees so appointed, and shall have all the powers vested in the trustees appointed by this act.

Approved, January 27, 1845.

[No. 169.]

### AN ACT

To compensate William Hawn, Cashier of the Bank of Alabama, for servant hire, for the use of said Bank.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the President and Directors of the Bank of the State of Alabama, be, and they are hereby authorized to pay William Hawn, Cashier of said Bank, the sum of two hundred and fifty dollars, for money expended by him for servant hire, boarding and clothing the same, for daily attendance upon said Bank, from the first day of January, eighteen hundred and forty-two, to the thirty-first of December, eighteen hundred and forty-three.

Wm. Hawn.

Approved, January 25, 1845.

[No. 170.]

### AN ACT

For the relief of Joel Hurly and Nathan Waters, of Pike County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Governor be authorized to remit the fine imposed at the fall term of the Circuit Court of Pike county, eighteen hundred and forty-four, upon Joel Hurly and Nathan Waters, for neglect as managers of a certain election, any law to the contrary notwithstanding.

Approved, January 25, 1845.

[No. 171.]

## AN ACT

To alter and amend the several acts incorporating the Town of Greensboro', in the County of Greene.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the corporate authorities of the said town of Greensboro', shall

have full power and authority to pass all such by-laws and ordinances, not conflicting with the Constitution and laws of this State, as may be necessary to restrain and prohibit nightly or other meetings, or disorderly assemblies of slaves in said town; to restrain and prohibit slaves from keeping a shop, or other establishment, or from going at large or trading on their own account within the corporate limits of said town, and to punish slaves for a violation of any of the ordinances of said town, with any number of stripes not exceeding thirty-nine; to restrain and prohibit white persons from dealing, contracting, or trading with slaves, or from permitting more than three slaves, not his or her own, to be, or remain on his lot at any one time, with his or her knowledge or consent; to provide for regulating and licensing hawkers, pedlers and retailers of spirituous liquors, within the corporate limits of the said town, and to have the exclusive right of granting such license, to fix the sum to be paid for the same, and to provide for annulling and prohibiting the same upon good and sufficient complaint being made against any person or persons holding the same, reserving however to the State and county in all cases where the intendant and council may choose to grant license, the taxes by the laws of the State imposed to be collected from such hawkers, pedlers or retailers, as the said corporate authorities may think proper to license; to impose and enforce the collection of fines or penalties for all riots, route, affrays, assaults and batteries, or other disorderly conduct, committed within the limits of the corporation, or for obstructing the streets and avenues of said town, or peddling or retailing without license, within the same, and in general to impose, enforce, and collect appropriate fines, forfeitures and penalties, not exceeding in any case, the sum of twenty dollars, for the violation of their ordinances, or any of them, or such fines, forfeitures and penalties, to be sued for in the name of the intendant and council of said town, and applied to the use of the corporation.

Enumeration of powers to be exercised by the corporate authorities.

Sec. 2. *And be it further enacted,* That the said intendant and council shall have full power and authority to cause all vagrants, idle or disorderly persons, and all persons of ill fame or evil life, as are found begging or drunk, in and about the streets, or loitering in and about tippling houses, and all such as have no visible means of support, and can show no reasonable

Powers in regard to vagrants and idle persons.

course of business or employment in the town; all who are grossly indecent in language or behaviour, publicly in the streets, and all such as lead notoriously a lewd or licentious course of life, to give security for their good behaviour for a reasonable time, and in case of their refusal or inability to give such security, to cause them to be committed to the jail of Greene county, for a limited time, not exceeding three calendar months, unless such security shall be sooner given, and if they should be found afterwards offending, such security may be again required, and for the want thereof, the like proceedings may again be had, from time to time as often as necessary.

Jurisdiction.

Sec. 3. *And be it further enacted*, That the intendant, or any member of the council, of the said town, shall have jurisdiction to hear, adjudge, and determine, all provocations, controversies, or matters growing out of the orders, regulations, and ordinances of the board, such as fines, forfeitures, or penalties inflicted, and the summary remedies which may be given against the officers of the corporation: *Provided*, that in all cases where the amount of such fine, forfeiture, or penalty, shall exceed two dollars, the party aggrieved may have an appeal to the Circuit Court of Greene county, under the rules and regulations prescribed by the laws of this State, for an appeal from a Justice of the Peace.

Effect of annual assessment of taxes.

Sec. 4. *And be it further enacted*, That the annual assessment of the taxes on real and personal property in said town, and all other taxes and dues, shall have the force and effect of a judgment against the individual assessed with the same, and if the same shall not be paid upon due and reasonable notice, the intendant shall thereupon issue an execution for the same, and the constable shall levy such execution upon the estate of the individual so assessed, and sell the same, or so much thereof, as shall be sufficient to pay the tax so assessed, and the costs taxed upon each execution, and such sale shall be advertised for the space of twenty days, previous thereto, at two or more public places in said town.

Power of Intendant in issuing process

Sec. 5. *And be it further enacted*, That the intendant shall have power to issue his warrant or other process, to bring offenders before him, which shall be directed to and executed by the constable of said town; it shall also be the duty of the said constable to execute the orders, notices, and process of the board, when directed or delivered for that purpose, and all precepts and process issued by the intendant, or any member of the council, and he is hereby empowered to execute the same in any part of the County of Greene, subject to such regulations and restrictions as the board may prescribe.

Sec. 6. *And be it further enacted*, That the intendant and council of said town, shall have power and authority to widen, extend, and regulate, the streets, lanes, and alleys, to lay out



proper new streets or alleys, whenever they may deem it expedient within the limits of said town, under the following regulations: that is to say, the intendant of said town shall summon twelve freeholders, inhabitants of said town, not directly interested in the lands or lots through which it is proposed to open and lay out, any new street or streets, or alleys, to assess and value, what damages would be sustained by the owner of said lands or lots, by the reason of the opening and laying out any street, lane or alley, and the damages so assessed, shall be paid by the corporation of said town, to the owner of said lands or lots: *Provided always*, that no street, lane, or alley, shall be opened or laid out, until the damages assessed to individuals in consequence thereof, shall have been paid. Powers in regard to streets

Sec. 7. *And be it further enacted*, That all acts or parts of acts contravening the provisions of this act, are hereby repealed. Proviso.

Approved, January 27, 1845.

[No. 172.]

## AN ACT

For the relief of Mary Ann Delana Tarleton, of Autauga County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Mary Ann Delana Tarleton, the wife of Benjamin F. Tarleton, of Autauga county, be, and she is hereby authorized to have, hold, and enjoy property, hereafter acquired by her as a *feme sole*, for her own separate use and benefit, whether the same be real or personal, over which her husband shall have no interest or control, nor shall such property whether acquired by descent, purchase or otherwise, by the said Mary Ann Delana Tarleton, be in any manner liable to the debts of her said husband. Made free dealer.

Sec. 2. *And be it further enacted*, That the said Mary Ann Delana Tarleton, shall sue and be sued in respect of said property, as a *feme sole*, and all contracts hereafter entered into by her, shall be considered valid and binding on her notwithstanding her coverture, but said contracts shall not bind her husband, nor shall he be liable to be sued thereon: *Provided however*, that the said Mary Ann Delana Tarleton, and the said Benjamin F. Tarleton, shall be incapable in law to contract with each other, either by the intervention of trustees or otherwise. Proviso.

Approved, January 25, 1845.

[No. 173.]

## AN ACT

For the relief of Catharine Rogers, of Marshall County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for Catharine Rogers of the County of Marshall, to take, receive, and hold by purchase, gift or inheritance, any property, either real or personal, free from the hindrance, molestation, or authority of her husband, Comadore Rogers, and the same to dispose of, by will, gift or sale, and that all property acquired by her, from and after the passage of this act, shall in nowise be subject to the debts of her said husband, and that the said Catharine Rogers shall possess all the rights and privileges, and be subject to all the liabilities of a *feme sole*.

Made free  
dealer.

Approved, January 24, 1845.

[No. 174.]

## AN ACT

To authorize the Governor to remit a fine imposed on Peter Bozeman.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be, and he is hereby authorized and empowered, to remit the whole or part of the fine or penalty imposed on Peter Bozeman, of Montgomery county, at the last Circuit Court of said county, as security of Solomon Garner, on a bond to keep the peace.

Approved, January 25, 1845.

[No. 175.]

## AN ACT

For the relief of Weeks Pippin, of Henry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Weeks Pippin, of the County of Henry, be relieved from the payment of ninety dollars, received by him as clerk of the County Court, from divers persons, for licenses to retail spirituous liquors.

Relief granted,  
&c.

Sec. 2. *And be it further enacted,* That the said Weeks Pippin, is hereby discharged from all liability, from, and on account of the said ninety dollars, received as aforesaid.

Approved, January 25, 1845.

[No. 176.]

## AN ACT

To incorporate the Town of Carrollton, in the County of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Town of Carrollton, in the County of Pickens, be, and the same is hereby incorporated; and the corporate limits of said Town shall embrace an area of land three fourths of a mile square, the marginal lines of which shall be equidistant east, west, north and south, from the centre of the present court house of said county. Limits.

Sec. 2. *And be it further enacted,* That an election shall be held at the court house in said Town of Carrollton, on the first Monday in March next, and on the same day in every succeeding year, to commence at twelve o'clock, noon, and close at four o'clock in the evening, for the purpose of electing an Intendant and four Councillors, inhabitants of said Town, who shall serve for the term of one year, and until their successors are duly elected and qualified; which election shall be held by some Justice of the Peace and any two freeholders of said Town; and all subsequent elections shall be held and conducted by the Intendant and any two Councillors, and in the absence of the Intendant, by a majority of the Councillors; or by any three discreet householders of said Town, whom they may appoint for that purpose. And it shall be the duty of said Intendant to preside at all meetings of the Councillors, and preserve order and decorum; and in his absence or incapacity, any Councillor may be called to the chair; and the said Intendant and Councillors shall be, and they are hereby declared and constituted a body politic and corporate, by the name and style of the Intendant and Council of the Town of Carrollton, and by that name they and their successors in office, shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits either in law or equity; and they shall have full power and authority to keep a common seal, and the same to break, alter, and amend at pleasure, and in general to do and perform all acts which are usually incident to the powers granted to bodies corporate: to purchase, hold, use, or dispose of, for the benefit of said Town, real, personal, or mixed property, to the value of five thousand dollars. Election for officers, when held, and how conducted.

Sec. 3. *And be it further enacted,* That the said corporation shall have power to pass by-laws and ordinances, necessary to carry into effect the general powers granted by this act, and also such as may be necessary to preserve the health of said Town; to prevent and remove nuisances; to suppress gaming Name and style.

Powers of  
corporation.

of every description; to establish night-watches and patrols; to establish, alter and ascertain new streets and alleys, with the consent of the proprietors of lots over which they pass; to provide for licensing, taxing, regulating and restraining theatrical amusements, and shows or exhibitions of every description in said Town; to clear, remove obstructions from, and keep in repair the streets and alleys of said Town; to have a general superintendence and control over the springs and wells of said town; to erect and regulate markets; and to preserve and protect the public buildings and property in said town. And the said corporation shall have full power and authority to alter, amend, repeal or revoke, at pleasure, all by-laws, and to put in execution all by-laws that may be in force. The said corporation shall have power to appoint a Treasurer, an Assessor and Tax Collector, a Constable, a Superintendant of streets, and such other subordinate officers as they may think necessary; and by ordinance to require such security from the several officers so appointed, to annex such fees to the several offices, to impose such fines for neglect of duty in office, not exceeding fifty dollars, as they shall deem necessary; and they are also hereby empowered to lay and adjudge, and collect by execution or other legal process. such fine or fines, not exceeding twenty dollars, for a breach or breaches of their by-laws as they may deem proper: *Provided always*, that in all cases where they impose a greater fine than three dollars, an appeal shall lie from their decisions to the Circuit Court of Pickens county; and all fines imposed and collected by said corporation shall be paid to the Treasurer for the benefit of said Town.

Proviso.

May assess  
and collect  
tax.

Proviso.

Sec. 4. *And be it further enacted*, That said corporation shall have full power and authority, annually, after the first day of April in each year, to assess (and collect) on all the persons, property, and subjects on which a State tax is now imposed by law, a rate of tax not exceeding the present rate of State tax: *Provided*, that every free white male inhabitant of said Town, who shall not pay a tax equal to one dollar on property, shall pay a poll tax of one dollar. And no tax for county purposes, shall be assessed or collected, on the persons, property, or subjects of taxation within the limits of said corporation.

Vacancies.

Sec 5. *And be it further enacted*, That when any vacancy or vacancies shall happen in the board of Intendant and Councillors, by death, resignation, or otherwise, such vacancies shall be filled by the board, and the member or members so added, shall continue in office until the succeeding annual election; and if there should be a failure to hold the annual election for Intendant and Councillors on the day mentioned in this act for that purpose, it shall be lawful to hold said election at any time within one month thereafter; and the board

of Intendant and Councillors in office, anterior to every such election, shall not be dissolved until such election shall be held, and the Intendant and Councillors elected, duly qualified.

Sec. 6. *And be it further enacted*, That the said Intendant and Council shall appoint a Clerk, whose duty it shall be, to keep a fair record of their proceedings, and to publish all by-laws and ordinances in some newspaper, or at three several public places in said Town. Clerk to be appointed.

Sec. 7. *And be it further enacted*, That the Intendant and Councillors first elected under this act, and their successors in office, shall severally, before they enter on the duties thereof, take an oath before some Justice of the Peace, that they will faithfully discharge the duties to them committed, to the best of their ability; a certificate of which oath shall be filed with the Clerk of the Board of Councillors. Board to take oath.

Sec. 8. *And be it further enacted*, That all white male persons above the age of twenty-one years, who shall have resided within the limits of said Town, six months immediately preceeding an election for Intendant and Councillors, and all freeholders therein, shall be deemed qualified electors. Eligibility of voters.

Sec. 9. *And be it further enacted*, That the Intendant and each Councillor for said Town, shall be, *ex-officio*, a Justice of the Peace during the time he may continue in office, within the limits of said Town, for the purpose of executing and carrying into effect, the by-laws and ordinances of said corporation. Powers of Intendant and Councillors.

Sec. 10. *And be it further enacted*, That all persons within said corporate limits, liable by law to work on the public roads, shall be liable and are hereby required to work on the streets, roads and alleys, within the corporate limits of said Town, not exceeding ten days in any one year: *Provided*, every such person shall be exempt from working on the streets, roads, and alleys of said Town, by paying such street tax as the corporate authorities may impose, not exceeding five dollars per annum. Working on streets.  
Proviso.

Sec. 11. *And be it further enacted*, That all persons residing within the limits of said corporation, shall be wholly exempt from working on roads, or performing road duty of any kind without said limits. Exemption.

Sec. 12. *And be it further enacted*, That in all cases where any person or persons shall be convicted of offences against the laws and ordinances of said Town, and such person or persons shall fail or refuse to pay, or secure to be paid, the fine or fines imposed, it shall be lawful for a majority of the board of Intendant and Council to commit such offender or offenders, to the jail of said county, for any period not exceeding forty-eight hours, unless such fine and costs be sooner paid; Liability of persons convicted of offences.

Proviso.

and the jailer of said county is hereby required to receive and keep such offender or offenders, in the jail of said county, till the period of such imprisonment shall expire, or until he receives a certificate of the payment of the fines and costs, from the Intendant or one of the Councillors: *Provided*, the corporation shall pay the jail fees in all cases where they cannot be collected of the offender or offenders, which jail fees shall be the same as now allowed by law for white prisoners.

Sec. 13. *And be it further enacted*, That all laws and parts of laws, so far as they contravene the provisions of this act, be, and they are hereby repealed.

Approved, January 23, 1845.

[No. 177.]

## AN ACT

To incorporate the Robinson Institute, for the purposes of education, in the County of Autauga.

Corporators

Name and style.

Powers.

May make rules.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Absalom Jackson, C. Bellinger, James H. Taylor, George W. Hails, A. J. Pickett, William H. Taylor, Charles T. Pollard, George C. Ball, Albert G. Goodwin, F. M. Gilmer, Jr., Fleming Freeman, and such other persons as they may hereafter associate with them, for the purpose of building up and putting in operation, and supporting, a Female Academy, near Robinson, in the County of Autauga, shall be, and they are hereby created a body corporate and politic, in law, by the name and style of the Robinson Institute; and by that name shall be able and capable in law, to sue and be sued, plead and be impleaded, and shall have power to borrow money, mortgage and pledge the property of the Institute for the payment of the same; receive donations and bequests, purchase and sell, have and hold real estate and other property in perpetuity: *Provided*, that the amount of real estate held by said Institute at any time, shall not exceed in value twenty thousand dollars.

Sec. 2. *And be it further enacted*, That said body corporate, or a majority of the members composing the same, shall have power to make such rules and regulations and by-laws, not inconsistent with the laws of the State of Alabama, or the United States, as they may deem advisable, for the good government and proper regulation of the same, and those connected therewith.

Sec. 3. *And be it further enacted*, That said body corporate shall elect, at their annual meeting, from among them-

selves, five of their number, who shall act as trustees. That said Board of Trustees shall elect from among themselves, one of their number to serve as President, and another as Secretary and Treasurer. That said Board of Trustees, shall make and use a common seal, and the same alter and amend, which shall be the seal of the body corporate; and said Board of Trustees shall do and perform such services, for the regulation and management of said body corporate and Institute, as may be required of them by the by-laws of said body corporate.

Trustees to  
be elected.

Powers.

Sec. 4. *And be it further enacted*, That in all the transfers of property by said body corporate, or in contracts or obligations for the payment of money, it shall be done by the signature of the President and Secretary of said Board of Trustees, and under the seal of said body corporate.

Transfers,  
how made.

Approved, 21st January, 1845.

[No. 178.]

## AN ACT

To amend the several laws now in force, incorporating the Town of Demopolis, in Marengo County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after passage of this act, the Intendant of the Town of Demopolis, shall be elected by the qualified voters of said Town, and not by the Council as heretofore. That for this purpose, a poll shall be opened for the election of an Intendant, at the time and places now provided for the election of Councillors, and that the person having the highest number of votes in said Town shall be the Intendant. That the returns of the election in each ward of the Town, shall be made to the Intendant then in office, who shall certify his election to the person so receiving the highest number of votes, who shall thereupon be sworn into office; and in case of a tie, the Intendant in office, shall give the casting vote, and shall not vote in said election except in case of tie.

Election of  
Intendant by  
the people.

Sec. 2. *And be it further enacted*, That the Intendant and Council of said Town, shall have authority to impose such tax as in their discretion may seem right, upon the vending of ardent spirits, fermented liquors or wines, or other alcoholic drinks, within the limits of said Town, and to impose such fines, or other appropriate penalties upon all who sell without the payment of such tax, as in their discretion may seem right; and shall have full authority to enforce the collection of such tax or fine, (as the case may be,) by execution or other ordinary process of law.

Regulations  
and powers  
of Board.

**Sec. 3. *And be it further enacted,*** That said Intendant and Council, shall have full power to make all needful rules and regulations, to carry the foregoing provisions into effect; and that any four of them shall have power to try all cases, arising under the second section of this act.

Approved, January 25, 1845.

[No. 179.]

### AN ACT

To authorize the erection of mill dams across Big Will's Creek, and its tributaries, in De Kalb County.

Construction  
of act.

**Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*** That nothing in the first section of an act, approved, February first, one thousand eight hundred and forty, declaring it a penal offence to obstruct Big Will's Creek and its tributaries, in De Kalb county, shall be so construed, as to prevent the erection of mill dams, on said streams: *Provided, however,* that no mill dam shall be erected across any one of said streams, until the person or persons desiring so to do, shall have complied with the laws that now exists, in relation to mills and mill dams.

Approved, 22d January, 1845.

[No. 180.]

### AN ACT

To lay out and open a certain road, in Monroe County.

Duty of Court  
of Roads and  
Revenue.

**Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*** That it shall be the duty of the Judge of the County Court and Commissioners of Roads and Revenue, in the County of Monroe, as soon after the passage of this act as practicable, to lay out and cause to be opened, a road leading from the Federal road, at Wm. McMillian's, to the Town of Claiborne, in Monroe county, over the most advantageous route.

Road shall be  
kept up.

**Sec. 2. *And be it further enacted,*** That all persons liable to work on roads, within five miles of said road, be required to work on said road, to lay out and open the same; and shall be exempt from working on any other road for twelve months.

Approved, January 27, 1845.



[No. 181.]

## AN ACT

To incorporate the Town of Polkville, in the County of Benton,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Polkville, in the County of Benton shall be, and the same is hereby incorporated in and under the name of the Town of Polkville; that the corporate limits of said town shall extend over and embrace the north west quarter and the south west quarter, and also the west half of the north east quarter of section fourteen, township fifteen, and range six east, lying in said county. Incorporation and limits.

Sec. 2. *And be it further enacted*, That John M. Moore, Noah Goode, Lawson H. Litton, Thomas Carter and Benjamin Price, or a majority of them, be, and they are hereby appointed commissioners for the organization of said town, whose duty it shall be to hold an election for five town commissioners for said town, on the first Monday in March next. Commissioners to hold election.

Sec. 3. *And be it further enacted*, That the commissioners, so elected, shall hold their offices for the period of one year, and are hereby empowered to make regulations for holding an election for Commissioners on the first Monday in January of each year: *Provided*, that the first election shall be held at the time and in the manner prescribed in the second section of this act. Powers of Board.

Sec. 4. *And be it further enacted*, That every free white male person who resides within the limits of said Town, over twenty-one years of age, shall be entitled to vote in said election for Town Commissioners; and the five Commissioners, elected shall elect from their own body an Intendant whose duty it shall be to preside over the meetings of said board; and the said Intendant shall be and is hereby invested with all the powers, and subject to all the restrictions and liabilities pertaining to Justices of the Peace. Eligibility of voters.

Sec. 5. *And be it further enacted*, That said Commissioners shall have power to fill all vacancies, occasioned either by death, resignation or removal, and to elect a Secretary for the recording of all proceedings of said meetings; and a town Marshal, whose duty it shall be to execute all process issued by the said Intendant. Vacancies.

Sec. 6. *And be it further enacted*, That said commissioners shall have power to prescribe the rules, restrictions and regulations under which spirits, ardent, vinous or fermented, may be sold within the limits of said town; and shall have power to punish a violation of the regulations which may be made, by the imposition of such fines as may to them seem proper: *Provided*, the fines for any single offence shall not exceed fifty dollars. Definition of powers. Proviso.

Further powers. **Sec 7. And be it further enacted,** That said Commissioners shall have power to pass all laws and ordinances for the better regulation of said Town, not repugnant to the laws and constitution of the State of Alabama, or of the United States.

Approved, January 21, 1845.

[No. 182.]

## AN ACT

To incorporate the Dallas Male and Female Academy, in the Town of Selma.

Trustees.

Name and style.

Powers.

**Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,** That an Academy be, and the same is hereby incorporated in the Town of Selma, Dallas county, to be known by the name of the Dallas Male and Female Academy; and that Philip J. Weaver, Thomas J. Frow, Wesley N. Plattenberg, John W. Jones, Peyton S. Graves, David A. Boyd, Edward W. Marks, William Seawell, George W. Gayle, Drewry Fair and John Mitchell, and their successors in office, be, and the same are hereby declared to be a body corporate, by the style and name of the Trustees of the Dallas Male and Female Academy; and as such shall be capable and liable in law and equity, to sue and be sued, plead and be impleaded; shall have power to make such by-laws and regulations not inconsistent with the constitution and laws of this State, as they shall deem necessary for the government of said Academy. May have and use a common seal, and may appoint such officers in said board, such teacher or teachers to take charge of said Academy, and prescribe such a course of academical instruction in said Academy, with such rates of tuition and rules for the government of the pupils, as to them shall seem proper; and said trustees shall have full authority to remove from office any officer, or from employment any teacher, in said Academy, who for any cause they may deem incompetent.

Act repealed.

Transfer of powers and property.

**Sec. 2. And be it further enacted,** That an act of the General Assembly entitled an act to incorporate the Academy of the Ladies Education Society, in the Town of Selma, and approved January thirty, eighteen hundred and thirty-nine, be, and the same is hereby repealed, and that all the property, real and personal, all the rights, immunities and privileges which may have been given and granted to and become vested in Nicholas Childers, Robert N. Philpot, John W. Lapsley, Elias Parkman, John W. Jones, Jeremiah Pitman and Harris Brantly, trustees of said Ladies Education Society Academy or their successors in

office for the use and benefit of said Academy, be, and the same are hereby vested in the trustees aforesaid of the Dallas Male and Female Academy, for the use and benefit of said last mentioned Academy.

Sec. 3. *And be it further enacted*, That the said Trustees of Dallas Male and Female Academy, or their successors in office, shall be capable of accepting and being invested with all manner of property, real and personal, which may have been given or granted to such Academy, and which may be hereafter given or granted to them or their successors in office, to have and to hold the same to the proper use and benefit of said Academy.

Sec. 4. *And be it further enacted*, That a majority of said board of trustees shall be competent to transact all business pertaining to said corporation, and their acts shall be as valid as if the whole Board was present, and that when any vacancy may occur by death, resignation or otherwise in the said board of trustees, the residue of them shall fill the same in such manner as shall be prescribed by the by-laws and regulations of said corporation.

Sec. 5. *And be it further enacted*, That all property owned by the trustees aforesaid, or their successors in office, for the benefit of the Dallas Male and Female Academy, shall be free from all taxation whatever.

Sec. 6. *And be it further enacted*, That the said trustees of said Academy are hereby authorized to confer degrees, grant diplomas, and do all such other acts as other institutions of similar nature are by law authorized to do.

Approved, January 25, 1845.

[No. 183.]

## AN ACT

To establish the State Mutual Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James Battle, Benjamin Toomer, Henry A. Shroeder, Robert Desha, George Westfieldt, E. L. Andrews, Isaac Bell, jr., W. W. Allen, George Martin, John D. Terrell, Jonathan Emanuel, William H. Pratt, Henry O. Brenner, Hindeman Barney, Stephenson Forbes, and their associates in office, be, and they are hereby constituted a body corporate under the name and style of the "State Mutual Insurance Company;" and by that name and style shall have a corporate seal, and shall be capable of suing and being sued, of making all legal contracts, and of having and holding all kinds of real and personal estate and securities, and to alter and change them at pleasure, and of making and establishing such by-laws and ordinances as they

may find necessary for the government and regulation of the said corporation, not contrary to the constitution and laws of the State of Alabama, or of the United States.

**Powers further defined.** Sec. 2. *And be it further enacted,* That the said corporation shall have full power to transact the business of fire, river, marine, and general insurance on the principle of mutual insurance, and to determine the mode according to which such mutual insurances may be made, and how the premiums and profits shall be held, invested and changed, and the manner and periods at which dividends shall be declared.

**Privileges of persons insuring.** Sec. 3. *And be it further enacted,* That each and every person or persons who shall insure in and with the said corporation and the representatives and assignees of such person, shall be allowed and continue to be members of said corporation, and shall share equally in the profits and losses thereof for the year in which such insurances are made, and in proportion to the amount of the premiums paid by them on their respective insurances, and no more; and that the rate of contributions to losses and of the distribution to losses and of the distribution of the profits, shall be determined by the board of trustees hereinafter provided for.

**Restrictions.** Sec. 4. *And be it further enacted,* That the said corporation shall not have the power to put in circulation any note, bond, contract, or obligation as money.

**Corporators declared a Board of Trustees until January, '47.** Sec. 5. *And be it further enacted,* That the said James Battle, Benjamin Toomer, Henry A. Shroeder, Robert Desha, George Westfeldt, Jonathan Emanuel, W. W. Allen, E. L. Andrews, Isaac Bell, jr. George Martin, John D. Terrell, William H. Pratt, Henry A. Brener, Hindman Barney, and Stephenson Forber, are hereby declared to be a Board of Trustees of said corporation until the first Tuesday in January, eighteen hundred and forty-seven: a majority of whom, or of the boards thereafter to be chosen, shall have power to fill any vacancies which may occur in the said board, by election from the members of said corporation; and the powers conferred by this act on the said corporation are hereby vested in the said board of trustees and their successors.

**Trustees hereafter how and when elected.** Sec. 6. *And be it further enacted,* That on and after the first Tuesday of January, eighteen hundred and forty-seven, and on the first Tuesday in January in every year thereafter, there shall be an election for a board of trustees to consist of fifteen members, chosen from the members of said corporation, who shall serve for one year, or until a new board be chosen; the said election to be made by the board of trustees whose term of service shall expire on the day of election. This section shall not be construed to prevent the re-election of any trustee who may have been previously elected.

Sec. 7. *And be it further enacted*, That a vacancy shall be declared in the said board of trustees upon the death of any member thereof, or whenever any member thereof shall remove from the State of Alabama, or continue absent from the meetings of the board for a space of three months, without leave being first obtained. Vacancies, when declared.

Sec. 8. *And be it further enacted*, That the said board of trustees shall once in every year, on any day to be fixed by them, make and publish a full and particular statement of the affairs of the said corporation; and that they shall admit for inspection of the members thereof, once in each year a detailed statement of their assets. Trustees shall make annual statement of affairs.

Sec. 9. *And be it further enacted*, That no certificate or scrip for the profits nor any distribution of the same (as provided for in the third section of this act) shall be issued or made for the fractional parts of sums; and sums less than ten dollars are to be passed to the contingent account of the company and applied to the expenses and other charges of the year to which they appertain. Regulations.

Approved, January 25, 1845.

[No. 184.]

## AN ACT

### Declaring Cedar Creek a Public Highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Cedar Creek from its junction with the Alabama river to the mouth of Muscle Creek, in Butler county, be, and the same is hereby declared a public highway. Declared a public highway.

Sec. 2. *And be it further enacted*, That if any person shall in any manner whatever obstruct or cause to be obstructed the stream of said creek, within the limits prescribed in the first section of this act, so as to prevent or hinder the free navigation thereof, he or she shall be liable to a fine of twenty dollars, for every such obstruction, to be recovered before any Justice of the Peace of the County, in which such obstruction may be made; and the fines so collected shall be paid by the Justice into the treasury of the County, in which the obstruction is made, for county purposes: *Provided*, that bridges made across said creek, shall not be considered obstructions within the meaning of this act. Penalty for obstructing. Proviso.

Approved, January 27, 1845.

[No. 185.]

## AN ACT

For the relief of Robert Parker and Benjamin Harrison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Robert Parker, of the County of Bibb, and Benjamin Harrison, of the County of Lowndes, be, and they are hereby relieved from the penalty of one thousand dollars, imposed by the fifth section of an act, entitled "An act to alter and amend the several laws of this State, now in force, providing for the election of electors of President and Vice President of the United States, approved November the eighth, one thousand eight hundred and thirty-two."

Approved, January 24, 1845.

[No. 186.]

## AN ACT

To incorporate the Trustees of the Bishop's Fund, in the Diocese of Alabama.

Corporators.

Name and style.

Powers.

Trustees may hold offices.

Trustees hereafter elected annually.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Asa B. Winn, David Files, and E. Wolsey Peck, and their successors in office, be, and they are hereby created a body politic and corporate, by the name and style of "The Trustees of the Bishop's Fund of the Protestant Episcopal Church in the Diocese of Alabama," and by that name and style, may sue and be sued, in any Court of law or equity; may have a common seal, and alter the same at pleasure; and may take and hold real and personal estate to the value of fifty thousand dollars, and sell and dispose of the same in such manner as may be most for the benefit of said fund.

Sec. 2. *And be it further enacted,* That the trustees hereby incorporated, may hold their office until the next annual convention of said Church, and until their successors be duly elected and qualified.

Sec. 3. *And be it further enacted,* That the convention of said Church, at each annual meeting thereof, shall have power to elect three trustees of said fund, and the trustees so to be elected, shall hold the said fund subject to said convention; and in the management, investment, and application of the same, shall be governed by such rules and regulations as the said convention may from time to time prescribe.

Sec. 4. *And be it further enacted,* That if at any time, between the annual meetings of said convention, a vacancy shall

happen by the death, resignation, or removal, or otherwise, of any one or more of said trustees, such vacancy or vacancies may be filled by the standing committee of said Church. Vacancies,  
how filled.

Sec. 5. *And be it further enacted*, That if a trustee shall at any time desire to resign, he may do so by a written resignation to be signed by him, and addressed to the President of said standing committee. Trustees may  
resign.

Sec. 6. *And be it further enacted*, That all donations and promises to pay money, or other thing, heretofore made to any person or persons, the object and intent of which was to support the episcopate of said Church, in said diocese, shall by virtue of this act, vest in said trustees and their successors in office; and that no donation or promise hereafter to be made for the purpose aforesaid, shall be lost or defeated, by reason of any want of description or misdescription of the donee or promisee: *Provided*, the intention of the donor or promiser can be made to appear: *Provided*, that nothing herein contained shall be so construed as to prevent the Legislature from altering or repealing this act. Rights vested  
in Trustees.  
  
Provide.

Approved, January 24, 1845.

[No. 187.]

## AN ACT

To incorporate the Greenville Academy, in the County of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an Academy be, and the same is hereby incorporated in Greenville, in the County of Butler, to be styled the Greenville Academy; and that Samuel J. Bolling, John R. Henry, and Thomas H. Watts, and their successors in office, be, and they are hereby corporate, by the name and style of the Greenville Academy; and as such, shall be capable and liable in law and equity to sue and be sued, plead and be impleaded; and they shall be authorized to make all such by-laws as may be necessary for the government of the said Academy: *Provided*, such by-laws are not repugnant to the Constitution and laws of this State, and of the United States; and for that purpose they may have a common seal, and may appoint such officers, as they may deem necessary, and remove the same, for improper conduct or neglect of duty. Corporators.  
  
Corporate  
name and  
style.  
  
Provide.

Sec. 2. *And be it further enacted*, That the said trustees or body corporate, shall be privileged to accept of, and be invested with all manner of property, either real or personal, and also

## Privileges.

all donations, gifts, grants, privileges and immunities whatsoever, which may be made or granted to said institution, or which may be hereafter conveyed or transferred to them or their successors in office, to have and to hold the same for the proper benefit of said Academy.

## Moneys to vest in Trustees.

Sec. 3. *And be it further enacted*, That all moneys which may have been subscribed by individuals for the erection of said Academy, shall inure to and be recoverable by the said trustees, in their corporate capacity, in the same manner as if such subscription had been originally made to them in that character.

## Vacancies.

Sec. 4. *And be it further enacted*, That when any vacancy shall occur, from any cause, of any of the trustees of said Academy, the survivor or survivors, shall fill the same, in such manner as shall be pointed out by the by-laws of said Academy.

## Property exempt from taxation.

Sec. 5. *And be it further enacted*, That all property now owned or hereafter acquired by the said trustees, in their corporate capacity, shall be free from taxation; any law to the contrary notwithstanding.

Approved, January 23, 1845.

[No. 188.]

## AN ACT

To incorporate the Eutaw and Clinton Dragoons.

## Name and style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That such persons as have or shall enroll themselves for the purpose of forming a Company of Cavalry at Eutaw and Clinton, in the County of Greene, to be styled the "Eutaw and Clinton Dragoons," together with their successors, be, and they are made and declared to be a body politic and corporate, by the name and style of the Eutaw and Clinton Dragoons, with the usual powers incident to bodies corporate; said company to consist of not less than fifty, nor more than one hundred and fifty members; the officers of said company shall consist of a Captain, two Lieutenants, and one Cornet, and of all such non-commissioned officers as said company may think necessary to appoint.

## Size of Company.

## Privileges of Company.

Sec. 2. *And be it further enacted*, That it shall be the duty of said company to uniform and equip themselves fully and completely in some suitable and proper uniform to be by them selected; and it shall be the duty of said company, and they are hereby required to muster at least six times a year.



Sec. 3. *And be it further enacted*, That the said company shall be wholly free and exempt from the order, control or direction of the Colonel Commandant of the regiment, in which said company or or any member of it may be, and of all officers of militia of this State, except when called into actual service; and the Captain of said company shall be compelled, and it is hereby made his duty to return the strength of his company annually, to the Adjutant General of the State; also, that the members of said company be exempt from road and street duties, and from serving on juries.

Duty of  
Company.

Sec. 4. *And be it further enacted*, That said company shall have power to pass such by-laws and regulations as shall be necessary for the good government of said company; and all fines and forfeitures levied and collected by said company from any of its officers and members, under such by-laws and regulations as the company may adopt, shall belong exclusively to said company, to be by them appropriated as they may think proper, to the uses and purposes of said company: *Provided*, the Legislature may at any time they think proper, repeal or amend this act.

May make  
regulations.

Proviso.

Approved, January 25, 1845.

[No. 189.]

## AN ACT

For the relief of Dory Ann B. Taylor, wife of Henry Taylor,  
of the County of Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall be lawful for Dory Ann B. Taylor, wife of Henry Taylor, of Talladega county, to take, receive, and hold by purchase, gift, or inheritance, any property, either real, mixed or personal, free from the hinderance, molestation, authority, or control of her husband, the said Taylor, and the same to dispose of by will, gift or sale, in the same manner, and to the same extent, as if she were a *feme sole*, and the property so by her hereafter to be obtained or acquired, shall be free from liability, for, or on account of the debts of her said husband.

Made free  
dealer.

Sec. 2. *And be it further enacted*, That the said Dory Ann B. Taylor, may and shall be allowed to hold in like manner free from the debts of her said husband, all and any property which she may accumulate by her own care and industry.

Approved, January 25, 1845.

[No. 190.]

## AN ACT

For the relief of James Ward, of Henry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be authorized to cause to be issued, a patent to James Ward, for the purchase of so much of the sixteenth section, in township seven, and range twenty-seven, as may appear to have been paid for by said Ward.

Approved, January 25, 1845.

[No. 191.]

## AN ACT

To authorize William H. Tarrence, to establish a Ferry across the Alabama river, and for other purposes.

May establish  
ferry.

Proviso.

To give bond.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William H. Tarrence, of the County of Autauga, be, and he is hereby authorized to establish a Ferry on the Alabama river, at the place where the road crosses the said river, leading from Benton, in the County of Lowndes, to Statesville, in the County of Autauga; *Provided however,* that the said William H. Tarrence, shall first enter into bond with good and sufficient securities, in the sum of one thousand dollars, payable to the Judge of the County Court of Autauga county, and his successors in office, which bond shall be approved by the said Judge, and filed in the office of the clerk of the County Court of said county, conditioned that the said Tarrence will keep in good repair the banks and flat, for the safe passage of travellers.

Rates of toll.

Sec. 2. *And be it further enacted,* That the said William H. Tarrence, shall be entitled to demand and receive the following rates of ferriage, for carrying across said ferry, and no more, to wit: for each and every four wheel carriage with four horses, seventy-five cents; each four wheel carriage, with less than four horses, fifty cents; each two wheel carriage, twenty-five cents; for man and horse, twelve and a half cents; for each led horse, or foot passenger, six and one fourth cents; for each head of cattle, three cents; each head of hogs, sheep or goats one cent.

Sec. 3. *And be it further enacted,* That the rights invested in said Tarrence, in the first section of this act, shall be, and continue for the term of five years, and no more.

Approved, January 23d, 1845.

[No. 129.]

## AN ACT

To authorize Edmund Wiggins to erect a Toll Bridge over Pea River, in Coffee County, at Geneva.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Edmund Wiggins, of Coffee county, be, and he is hereby authorized to erect a Toll Bridge over Pea River, at Geneva, in said county, and he shall be allowed to ask, demand, receive and recover the following rates of toll, viz: for every wagon and team consisting of six horses or oxen, one dollar; for every wagon and team consisting of four horses or oxen, seventy-five cents; for every three horse wagon, fifty cents; for every two wheel pleasure carriage, thirty-seven and a half cents; for every ox cart, thirty-seven and a half cents; for every other vehicle drawn by one horse or ox, twenty-five cents; for every man and horse, twelve and a half cents; for every loose horse or mule, six and a quarter cents; for every footman, six and a quarter cents; for every head of cattle, four cents; for every head of hogs, sheep or goats, two cents; and all such rates as are usually allowed for such things as are not herein specified.

*May erect bridge.*  
*Rates of toll.*

Sec. 2. *And be it further enacted,* That the said Edmund Wiggins, his heirs and assigns shall be liable for all damages that may be done to any passenger or passengers, or his or her or their property, in crossing the said bridge; if occasioned by neglect on the part of the proprietor of said bridge, or any of his agents, or hands; which damage or damages shall be recoverable in any court having competent jurisdiction.

*Liablie for damages.*

Sec. 3. *And be it further enacted,* That the rights hereby vested shall expire after the lapse of ten years, unless renewed by an act of the Legislature, or in some other legal mode: *Provided,* that this act shall not be so construed as to authorize the said Edmund Wiggins to obstruct the passage of any boat or water craft, that can now or may hereafter navigate said river.

*Expiration of charter.*

Sec. 4. *And be it further enacted,* That it shall be in the power of the Judge of the County Court of the County of Coffee, and the Commissioners of Roads and Revenue at any time before the expiration of the said ten years to appoint three or more discreet and proper commissioners to purchase said Bridge, and on their paying or securing to be paid the purchase money, then the property in said Bridge, and the right and privileges conferred by this act, shall vest in the County of Coffee: *Provided,* the said Bridge shall then become a free Bridge, unless said County Judge and Commissioners of Roads and Revenue unanimously deem it necessary to redeem the County of Coffee from indebtedness.

*Powers of Court of Roads and Revenue.*  
*Proviso.*

Prohibition, if  
bridge is com-  
pleted in one  
year.

**Sec. 5. *And be it further enacted,*** That if the said Bridge shall be completed within one year after the passage of this act, and the same shall be approved of by the Commissioners Court of Roads and Revenue of Coffee County, then and in that case, it shall not be lawful for any other person or persons to establish any ferry, or erect any bridge across or over said river within three miles of said Bridge.

**Sec. 6. *And be it further enacted,*** That all acts or parts of acts, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 23, 1845.

[No. 193.]

## AN ACT

To authorize Edmund Wiggins to erect a Toll Bridge over Chocktawhatchee River, in Coffee County, at Geneva.

May erect  
bridge.

Rates of toll.

**Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*** That Edmund Wiggins of Coffee county, be, and he is hereby authorized to erect a Toll Bridge over Chocktawhatchee River, at Geneva, in said county, and he shall be allowed to ask, demand, receive and recover the following rates of toll, viz: for every wagon and team consisting of four horses or oxen, seventy-five cents; for every three horse wagon, fifty cents; for every four wheel pleasure carriage, fifty cents; for every two wheel pleasure carriage, thirty-seven and a half cents; for every ox cart, thirty-seven and a half cents; for every other vehicle drawn by one horse or oxen, twenty-five cents; for every man and horse, twelve and a half cents; for every loose horse or mule, six and a quarter cents; for every footman, six and a fourth cents; for every head of cattle, four cents; for every head of hogs, sheep or goats, two cents, and all other such rates as are usually allowed for such things as are not herein specified.

Liable for da-  
mages.

**Sec. 2. *And be it further enacted,*** That the said Edmund Wiggins, his heirs and assigns, shall be liable for all damages that may be done to any passenger or passengers, or his, her or their property in crossing the said Bridge, if occasioned by neglect on the part of the proprietor of said Bridge, or any of his agents or hands, which damage or damages shall be recovered in any court having competent jurisdiction.

Expiration of  
charter.

**Sec. 3. *And be it further enacted,*** That the right hereby vested shall expire after the lapse of ten years, unless renewed by an act of the Legislature or in some other legal mode: *Provided,* that this act shall not be so construed as to authorize the said Edmund Wiggins, to obstruct the passage of any boat, or water craft, that can now, or may hereafter navigate said river.

Sec. 4. *And be it further enacted*, That it shall be in the power of the Judge of the County Court of the County of Coffee, and the Commissioner of Roads and Revenue, at any time before the expiration of the said ten years, to appoint three or more discreet and proper commissioners to purchase said Bridge, and on their paying or securing to be paid the purchase money, then the property in said Bridge and the right and privileges conferred by this act shall vest in the County of Coffee: *Provided*, the said Bridge shall then become a free Bridge, unless the said County Judge and Commissioners of Roads and Revenue unanimously deem it necessary to redeem the County of Coffee from indebtedness.

Powers of  
Court of  
Roads and  
Revenue.

Proviso.

Sec. 5. *And be it further enacted*, That if the said Bridge shall be completed within one year after the passage of this act, and the same shall be approved of by the Commissioners Court of Roads and Revenue of Coffee County, then and in that case it shall not be lawful for any other person or persons to establish any Ferry, or erect any Bridge across or over said River within three miles of said Bridge.

Prohibition, if  
bridge is com-  
pleted in one  
year.

Sec. 6. *And be it further enacted*, That all acts or parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 27th January, 1845.

[No. 194.]

## AN ACT

To incorporate the Franklin Academy, in the County of Russell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Reuben Dawkins, Thomas Ward, Edmund McCoy, Joseph Ryan and Edger Garlick, and their successors in office, are hereby established a body corporate, by the name of the President and Trustees of the Franklin Academy, to be located on section sixteen, township eighteen, and range twenty-eight, in Russell county; and by that name shall have power to receive donations, borrow money, purchase, have and hold real estate, not to exceed the sum of ten thousand dollars, to sue and be sued, plead and be impleaded, and to recover all debts that may become due, owing or belonging to said institution as the property thereof.

Corporate  
name and  
style.

Sec. 2. *And be it further enacted*, That said Trustees shall have power to fill vacancies in the Board of Trustees; to appoint a President, Secretary, and Treasurer, and to prescribe such by-laws and regulations as may conduce to the good order, and well being of said institution.

Vacancies,  
how filled.

Approved, January 23, 1845.

[No. 195.]

## AN ACT

To authorize the establishment of a Medical College, at Wetumpka.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That James M. Hill, John A. Reynolds, Warren S. Williams, Offa L. Shivers, W. P. Hatchett, B. F. Borom, John McTyon, James Hogg, Thomas Edwards, Oliver Flemish, and R. T. Brumby, and their successors in office, be, and they are hereby constituted and appointed a body corporate, under the name and title of the Trustees of the Alabama Medical University, so far as to hold property, both real and personal, keep a common seal, sue and be sued, and keep a book of record for registering all licenses and diplomas to be granted by them, under the provisions hereinafter made.

Corporators.

Name and style.

Definition of powers.

**Sec. 2.** *And be it further enacted,* That said body corporate be, and they are hereby authorized and empowered to select all such officers, and frame all such by-laws as may be necessary to carry into effect the objects of their incorporation; and in case of the death, removal, or refusal to act, of any member of said board, the said body corporate, or a majority of them, be, and they are hereby empowered to fill up such vacancy.

Further powers.

**Sec. 3.** *And be it further enacted,* That the said board shall be, and they are hereby authorized to establish a Medical College in the town of Wetumpka, on such principles and under such rules and regulations, and with such professors and instructors as may be best calculated to perpetuate the same; and promote the improvement of its students in the several branches of the healing art.

Meetings may be called.

**Sec. 4.** *And be it further enacted,* That any five or more of the trustees above named, be, and they are hereby authorized to call a meeting at any time they may think proper, to be holden at the town of Wetumpka, or the most convenient place for such meeting, for the purpose of making and establishing such by laws as are authorized by this act, or of transacting any other business necessary to be done.

Board may confer degrees, &amp;c.

**Sec. 5.** *And be it further enacted,* That the trustees together with the regular professors and teachers of said College, shall constitute a board, which is hereby authorized and empowered, to confer the degree of Doctor of Medicine upon such applicants, in such manner, at such times, and under such circumstances, as may to the said board seem fit and proper: *Provided,* that the degree of Doctor of Medicine, shall in no case be conferred upon any person or persons, who shall not have attended two full courses of lectures in said col-

lege, or one full course in said college, and one in some respectable Medical College or University, in addition to the usual term of private instruction, required by other medical institutions, except in such cases as said degree is conferred as an honorary degree: *Provided further*, that none of the provisions of this act shall alter or change the laws heretofore in force, regulating the practice of medicine in this State. Proviso.

Approved, January 25, 1845.

[No. 196.]

### AN ACT

To amend an act incorporating the Town of Eutaw, in the County of Greene.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, no person except such as are or may be *bona fide* licensed tavern keepers, shall be allowed in any manner or form, to vend any ardent or distilled liquors, in less quantities than one quart, to any person or persons whatsoever, within one mile of the court house, in the town of Eutaw, in the County of Greene, and for every violation of this act, the person or persons so offending, shall be subject to indictment, in the Circuit Court of said county, and upon conviction thereof, be fined in a sum not less than five hundred dollars, and be imprisoned in the county jail of said county, for a term not less than three months. Retailing spirituous liquors restricted.

Sec. 2. *And be it further enacted*, That the intendant and council of the said town of Eutaw, shall have power to pass all by-laws and ordinances deemed necessary for the purpose of regulating and suppressing, (if deemed necessary,) the retailing of spirituous liquors in said town, and such by-laws and ordinances when passed, to enforce and execute by fine and imprisonment, one or both at the discretion of the said intendant and council: *Provided*, the fine for each offence shall not be less than twenty, nor more than fifty dollars nor any imprisonment for a longer time than ten days for each offence. Powers of Corporation extended.

Sec. 3. *And be it further enacted*, That the said intendant and council shall have full power to pass all by-laws and ordinances which may be deemed necessary for the purpose of effectually prohibiting all grocery keepers, keepers and owners of retail shops, confectioners, keepers and owners of baker shops or other places, fitted up for trading, from trading or dealing in any manner with any negro or negroes, without a written order from his or her owner, agent, or overseer, and further, to prohibit aforesaid grocers, retailers, confectioners, Powers further defined and extended

bakers, and shopkeepers, their agents and clerks, and every one of them from buying, bartering, trafficking or receiving from, or with any slave or slaves, any commodity, produce, poultry, goods, wares, or any article of provision, or any other article of personal property, in any manner whatsoever, without a written permit from the owner, overseer, or agent of each slave or slaves, in which shall be specified the kind and quantity of property, the number of articles, with a description thereof, a correct description of all the goods, wares, and poultry so purchased, bartered or received by the persons aforesaid.

Penalty for trading with slaves.

Sec. 4. *And be it further enacted*, That if any slave or slaves shall be found in any store house, grocery, retail shop, confectionary, baker's shop, or other place fitted up for trading, unless by written permission, from his, her, or their master, overseer or agent, or if any slave or slaves shall be found at any time, in any of the aforementioned places, unless sent as aforesaid, or if any slave or slaves shall be seen to carry into the aforementioned places, any article or articles supposed for sale, and not bring the same out; or if he, she, or they, shall bring out of the said places any article or articles which may have been purchased or received therein; this shall be taken and received as presumptive evidence against the person or persons owning or keeping the aforementioned trading shops, of an unlawful trading with such slave or slaves, as now prohibited by law, to be rebutted however, like other presumptions by other circumstances in favor of the accused; and every person offending against the provisions of this section, shall be subject to indictment in the Circuit Court of said county, and on conviction thereof, be fined in a sum not less than fifty, nor more than one hundred dollars for each offence, and may be imprisoned not more than three months, and shall moreover be subject to fine and imprisonment by the corporation of said town.

What presumptive evidence.

Penalty for giving pass to slaves fraudulently.

Sec. 5. *And be it further enacted*, That if any person shall fraudulently give, or cause to be given, to any slave or slaves, the property of another, a permission in writing to sell, trade, or traffic, in any article of personal property without the consent or authority of the master, owner, or the person having the management of such slave or slaves; he, she, or they, so offending, shall upon conviction thereof, be fined in a sum not less than one hundred, nor more than two hundred dollars, and be imprisoned not less than one month, and moreover, shall be subject to fine and imprisonment by the corporation of the said town of Eutaw: *Provided*, the fine for each offence shall not exceed fifty dollars, nor imprisonment for a longer time than ten days.

Approved, January 23, 1845.



[No. 197.]

## AN ACT

For the benefit of the Pentlala Van Guards, and the Military and Scientific Institute.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That the Governor of this State is hereby authorized to furnish to the Pentlala Van Guards, of the fortieth regiment of Alabama militia, in the County of Montgomery, arms and accoutrements, upon the execution of a bond by the commanding officer of said company, with good and sufficient security, payable in the usual sum to the Quarter Master General of this State; any law to the contrary notwithstanding. Governor required to furnish arms and accoutrements.

Sec. 2. *And be it further enacted,* That the provisions of this act be extended to the "Military and Scientific Institute," in the town of Tuskegee, Macon county. Extended.

Approved, January 27, 1845.

[No. 198.]

## AN ACT

To authorize the erection of a Toll Bridge or Public Ferry, across Will's Creek, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for Joseph Hughs, of the County of Cherokee, to erect a Toll Bridge, or to establish a Public Ferry, as he may see proper, across Will's Creek, at or near the place where the public road leading from the Double Springs in said county, by way of Wagganon's old place, to Ashville, in St. Clair county, crosses said creek; and the said Hughs, his heirs, or assigns, are hereby authorized to charge and receive such toll for the crossing on such bridge, or at such ferry as aforesaid as may be from time to time authorized and allowed by the Court of Commissioners of Revenue and Roads, of Cherokee county aforesaid. J. Hughs may erect a toll bridge or ferry.

Sec. 2. *And be it further enacted,* That it shall not be lawful for the said Hughs, his heirs, or assigns, to charge and receive any toll as aforesaid, until he, or they, shall have first entered into bond and security, conditioned and payable in the same manner and for the same sum as is now by law required by keepers of public ferries in this State, to be approved of by the Judge of the County Court of said County of Cherokee, and which said bond shall be renewable every four years; any law to the contrary notwithstanding. Rates. Restrictions.

Approved, 23d January, 1845.

[No. 199.]

## AN ACT

For the relief of Mortgagees, and for other purposes.

Mortgagee  
may claim  
trial of right  
of property.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That whenever an execution shall be levied on personal property that shall be mortgaged, the mortgagee or the assignee of the mortgage may claim said property, and try the right thereof in the manner now provided by law for the trial of the right of property, and if it shall appear that the mortgage is *bona fide*, then said property shall not be sold under execution at law: *Provided however,* that the plaintiff in execution may pay off the mortgage debt to the holder of the mortgage, and then sell said mortgaged property under his execution; the proceeds of such sale being applied first to the mortgage debt, and the residue to the execution.

Mortgager in-  
competent to  
give evidence

Sec. 2. *And be it further enacted,* That the mortgagor or defendant in execution, in all cases of the trial of the right of property, under this act or the existing laws, shall be incompetent to give testimony between the parties.

Approved, January 25, 1845.

[No. 200.]

## AN ACT

To Divorce certain persons therein named.

Divorces.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the bonds of matrimony heretofore solemnized and subsisting between the several parties hereinafter named, be, and the same are hereby rescinded, annulled, and made void:

Pannell from  
Pannell.

And that Benjamin Pannell be divorced from his wife, Susan Pannell, in pursuance of a decree of the Court of Chancery, made at the spring term of said Court, eighteen hundred and forty-four, in the County of Blount:

Weatherford  
from Wea-  
therford.

And that Charles M. Weatherford be divorced from his wife Susan Weatherford, in pursuance of a decree of the Court of Chancery, made in Limestone county, at the spring term of said Court, eighteen hundred and forty-four:

George from  
George.

And that Nancy R. George be divorced from her husband, William B. George, in pursuance of a decree of the Court of Chancery, made at the fall term of said Court, eighteen hundred and forty-four, in the County of Greene.

Approved, January 22, 1845.

[No. 201.]

## AN ACT

To amend the laws in relation to Attachments.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter when a writ shall issue from any of the Courts of this State commanding the Sheriff or other officer to take the body of any person to answer in any civil suit in said Court, and the sheriff or other officer shall make return thereon, that the defendant is not to be found in his county, no judicial attachment shall issue on such return as matter of right; but before a judicial attachment shall issue, the plaintiff, his agent, or attorney, or the sheriff, or officer making the return, shall make affidavit before the clerk of the Court to which the writ is returnable, that he has reason to believe the defendant avoided the execution of such writ, and on such affidavit being filed, the plaintiff shall be entitled to a judicial attachment as matter of right.

Plaintiff to make oath that Defendant has avoided execution, before attachment issues.

Approved, January 27, 1845.

[No. 202.]

## AN ACT

To amend the law authorizing the payment of rewards for the apprehension of fugitives from justice.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the rewards authorized by an act entitled, "An Act to authorize the Governor of the Territory to offer rewards for the apprehension of criminals," passed November twenty first, eighteen hundred and eighteen, shall in no case be paid, unless the fugitive for whose apprehension any such reward may be offered, shall be arrested and delivered according to the terms of the proclamation, offering such reward within the period of five years from the date of any such proclamation: *Provided,* that the provisions of this act shall only extend to cases where the fugitive is charged with an offence, and has never been arrested or in custody: *And provided further,* that the Governor of this State may at any time demand of the Executive of other States, any fugitive from justice as heretofore.

Reward not to be paid unless claimed with 5 years.

Proviso.

Approved, January 25, 1845.

[No. 203.]

## AN ACT

To incorporate the Mobile and Baldwin County Manufacturing Company.

**Section. 1.** *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Robert Desha, John Bragg, James G. Lyon, Burwell Boykin, A. H. Godwin, John J. Walker, R. Lee Fearn, Joseph M. J. McRea, ——— Sibley, Cyrus Sibley, William C. Dennis, John G. Aikin, and William F. Cleveland, and such others as they may hereafter associate with them, are hereby declared and constituted a body corporate in fact and in name, by the name of the Mobile and Baldwin County Manufacturing Company.

Corporators.

Name and style.

**Sec. 2.** *And be it further enacted,* That the company hereby incorporated shall be capable of purchasing, holding and conveying lands, tenements and hereditaments, and also personal property, including goods, chattels and stocks, such as shall and may be necessary to carry into effect the object of said corporation, as hereinafter set forth.

Ability of Corporation.

**Sec. 3.** *And be it further enacted,* That the said company and their associates, shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered, in all the Courts of judicature of the State of Alabama, having jurisdiction of the subject matter in dispute; and of contracting and being contracted with, relative to the business and purposes for which said corporation is created, as hereinafter stated, and that said corporation shall have a common seal, and may alter, destroy, or renew the same at pleasure.

Powers and privileges.

**Sec. 4.** *And be it further enacted,* That subscribers to the capital stock, as to amount to be subscribed, as to what shall constitute a share, as to the time and place of subscribing, amount to be paid on subscribing, the time when the remaining portion shall be paid in, and as to all regulations of said company, so as to attain the object of the same, shall be regulated and fixed by the said Robert Desha, John Bragg, James G. Lyon, Burwell Boykin, A. H. Godwin; M. J. McRea, John J. Walker, R. Lee Fearn, ——— Sibley, Cyrus Sibley, William C. Dennis, John G. Aikin, and William F. Cleveland, and their associates: *Provided, however,* that all rules and regulations adopted by them and their associates, shall be general, and operate upon all subscribers alike, and each subscriber shall be liable in his, her, or their private capacity, for the amount of stock, he, she or they may own in said corporation, and may be sued for the same; and the capital stock is hereby limited to, and shall never exceed nine hundred thousand dollars.

Regulations, by whom made.

Proviso.

**Sec. 5. *And be it further enacted,*** That the object for which this body corporate, in fact and in name, is established, is to carry on and transact the business of manufacturing cotton goods (including cotton yarns) of all descriptions, in the Counties of Mobile and Baldwin.

**Sec. 6. *And be it further enacted,*** That so soon as the sum of fifty thousand dollars shall be subscribed, the stockholders subscribing the same, are hereby authorized to elect five Trustees, who shall manage the concerns and property of said corporation, one of which said Trustees shall be elected President, and that Trustees as aforesaid, shall be elected by the stockholders of said corporation annually, on the first Monday in January, in each year, which said Trustees shall annually, elect one of their own body President.

**Sec. 7. *And be it further enacted,*** That if any election of Trustees should not be made on the day appointed in this act, or on some other day on which the stockholders may have altered the time, the said corporation shall not, for that cause, be deemed and held to be dissolved, but it shall and may be lawful on any other day, to make and hold an election of Trustees in such manner, as shall have been regulated by the by-laws and ordinances of said corporation.

**Sec. 8. *And be it further enacted,*** That the stock of said corporation shall be assignable and transferable, according to such rules and regulations as said Trustees shall establish; and no stockholder indebted to said company, either for subscription of stock or otherwise, shall be permitted to make a transfer of his stock, or receive a dividend until such debt be paid to the satisfaction of the Trustees.

**Sec. 9. *And be it further enacted,*** That the books of the said company shall be kept in the city of Mobile, at such place as the Trustees shall provide for the same, subject to the inspection of all and every stockholder of said company, whenever they shall think proper to examine the same.

**Sec. 10. *And be it further enacted,*** That it shall be the duty of the Trustees, to call or appoint meetings, and notify the stockholders owning one third of the stock; and no meeting shall be competent to transact business, unless persons owning, collectively, the majority of the stock shall be present in person or by proxy.

**Sec. 11. *And be it further enacted,*** That the Trustees for the time, or a majority of them shall form a quorum, for the transaction of all business pertaining to this corporation, and shall have power to make all such by-laws, rules and ordinances as to the them shall appear needful and proper touching the management and disposition of the property, money, estate and effects of said corporation, and they shall have power

**Powers**

and authority to appoint and employ all such officers and servants as they may think proper for the transaction of the business and concerns of said corporation, and displace such officers and servants at pleasure : *Provided*, such by-laws and ordinances shall not conflict with the constitution of the State of Alabama, or any law now in existence, or which may hereafter be passed.

**Books of ac.  
counts to be  
kept.**

Sec. 12. *And be it further enacted*, That the Trustees shall keep at all times, or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the corporation, and they shall also keep a regular minute of all the proceedings of the meetings of the said Trustees, and of the stockholders, which books shall be at all times subject to examination of persons owning stock in said corporation.

**Dividends.**

Sec. 13. *And be it further enacted*, That the Trustees shall make such dividends of the profits of said company, as shall be ordered by a majority at any time, of the stockholders of said corporation, and cause the same to be paid to the stockholders, or to whomsoever the profits may properly belong.

**Duration of  
charter.**

Sec 14. *And be it further enacted*, That the said corporation shall continue and have being for the space of twenty years, from and after the passage of this act : *Provided*, the legislature does not alter or amend the same : *And provided*, the same is not repealed or annulled for misuse or nonuse.

Approved, 22d January, 1845.

[No. 204.]

**AN ACT**

To authorize the acting officers of the Selma Rangers, to execute a bond for a portion of the arms of the State, and for other purposes.

**Officers to  
give bond to  
Governor.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the now acting officers of the Selma Rangers, in the County of Dallas, be, and they are hereby permitted, to execute a bond to the Governor of the State of Alabama, for the time being, and his successors in office, in the sum of four hundred dollars, conditioned for the safe keeping and return of the arms now in the keeping of the said company, consisting of forty muskets, and which arms were furnished to said company, in the year eighteen hundred and thirty-nine; which bond, when so executed and approved by the Judge of the County Court of Dallas county, shall be lodged in the Department of State.

Sec. 2. *And be it further enacted*, That upon the acting of officers of said company entering into said bond, according to the provisions of the first section of this act, that then the bond heretofore entered into by John F. Connelly, William Lawrence, James B. Harrison, and Edward W. Marks, and now lodged in the Department of State, for the safe keeping and return of the arms furnished said company by the State of Alabama, in the year eighteen hundred and thirty-nine, shall be cancelled, and be null and void. Former bond to be void,

Sec. 3. *And be it further enacted*, That the provisions of this act shall be extended to William Stone and Augustine Lynch, officers of the Warrior Guards, of Tuscaloosa. Extended.

Sec. 4. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, 27th January, 1845.

[No. 205.]

#### AN ACT

To reduce the fees of the Clerk of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the fees of the Clerk of the Supreme Court, be, and they are hereby reduced twenty-five per cent., upon the present fee bill established by act of Assembly, in eighteen hundred and forty-three, to take effect upon all cases returnable after January term, one thousand eight hundred and forty-five. Fees reduced 25 per cent.

Approved, January 27th, 1845.

[No. 206.]

#### AN ACT

To raise a Revenue for the County of Marion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Judge of the County Court, together with the Commissioners of Roads and Revenue, of the County of Marion, be, and they are hereby authorized to levy a tax sufficient to pay the debts and defray the expenses of said county: *Provided*, said tax shall not exceed fifty per cent. on the State tax; any law to the contrary notwithstanding. May levy tax

Approved, 24th January, 1845.

[No. 207.]

## AN ACT

To amend an act to authorize Guardians of minors, idiots and lunatics, to receive and remove from this State, any property, to which such Ward may be entitled, when both Guardian and Ward reside out of the State, or to remove the same from one County to another in this State, passed the second of February, one thousand eight hundred and thirty-nine.

**Amendment.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the above recited act, be, and the same is hereby amended, by striking from the second section thereof the first proviso, which is in the words following, to wit: "The benefits of this act shall not be extended to the citizens of any State in which a similar act does not now exist, or may not hereafter be passed."

**Construction** Sec. 2. *And be it further enacted,* That the said second section shall be taken and construed, as though the said proviso had never been inserted therein; any law, usage or custom to the contrary notwithstanding.

Approved, 27th January, 1845.

[No. 208.]

## AN ACT

To authorize the Judge of the County Court, and Commissioners of Roads and Revenue, of Randolph County, to levy and collect a special tax, and for other purposes.

**May levy and collect special tax.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court, and Commissioners of Roads and Revenue, for the County of Randolph, be, and they are hereby authorized to levy and collect on the persons and property of said county, such tax annually, as may be necessary, for the purpose of paying the debts of said county: *Provided,* such levy shall not exceed in any one year, one hundred per cent., on the State tax of that year, in said county.

**How applied.** Sec. 2. *And be it further enacted,* That the tax when collected as above shall be applied as follows, viz.: one fourth of the sum to the payment of the debt of said county now due for county buildings; one fourth to the support of paupers in said county; and one fourth in the payment of county officers, for their extra services, and other legal claims against the county; the remaining fourth to be received by the Tax Collector, in jury certificates.



Sec. 3. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, January 25, 1845.

[No. 209.]

# AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That in pursuance of the several decrees of the Chancery Courts of this State, hereinafter named, the bonds of matrimony heretofore solemnized and subsisting between the following persons, be, and the same are hereby dissolved and annulled:

And that Richard F. Williams be divorced from his wife Mary Williams, in pursuance of a decree rendered by the Chancery Court for the county of Madison: Williams  
from Wil-  
liams.

And that John Goodwin be divorced from his wife Susan Goodwin, in pursuance of a decree of the Chancery Court sitting in and for the County of Jefferson: Goodwin  
from Good-  
win.

And that Mary C. King be divorced from her husband Stephen R. King, in pursuance of a decree of the Court of Chancery made in the County of Monroe: King from  
King.

And that Elizabeth Cawthorn be divorced from her husband, William Cawthorn, pursuant to a decree of the Chancery Court made in the County of Henry: Cawthorn  
from Caw-  
thorn.

And that Edith E. Hopkins be divorced from her husband Francis F. Hopkins, pursuant to a decree of the Chancery Court made in the County of Butler: Hopkins from  
Hopkins.

And that James R. Henry be divorced from his wife Elizabeth Henry, in pursuance of a decree made by the Court of Chancery in the County of Macon: Henry from  
Henry.

And that Benjamin Stephens be divorced from his wife Lavinia Stephens, in pursuance of a decree of the Court of Chancery made in Marshall County: Stephens  
from Ste-  
phens.

And that Pernice Moates be divorced from her husband Anderson Moates, in pursuance of a decree of the Chancery Court made in Perry County: Moates from  
Moates,

And that Amanda M. Brainard be divorced from her husband Allen Brainard, in pursuance of a decree made by the Chancery Court in the County of Henry: Brainard from

Hargis from  
Hargis.

And that David Hargis be divorced from his wife Nancy Ann Hargis, in pursuance of a decree of the Court of Chancery made in Coosa County :

Frampton  
from Framp-  
ton.

And that Eliza F. Frampton be divorced from her husband William Frampton, in pursuance of a decree made by the Court of Chancery in Barbour County :

Brantley from  
Brantley.

And that Malinda Brantley be divorced from her husband Young B. Brantley, in pursuance of a decree made by the Chancery Court in Blount County :

Breed from  
Ereed.

And that John B. Breed be divorced from his wife Martha Breed, in pursuance of a decree of the Court of Chancery made in Pike County :

Davenport  
from Daven-  
port.

And that William Davenport be divorced from his wife Sarah Davenport, in pursuance of a decree of the Court of Chancery made in Jefferson County :

Pearson from  
Pearson,

And that James Pearson be divorced from his wife Sarah Pearson, in pursuance of a decree made by the Court of Chancery in the County of Tallapoosa.

Approved, 23d January, 33d 1845.

No. 210.]

## AN ACT

To prevent suits from being brought in the names of any other person or persons without his, or their consent.

Unlawful to  
institute suits  
in names of  
other persons.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* And it is hereby enacted by the authority of the same, that from and after the passage of this act, it shall be unlawful for any person or persons to institute or prosecute a suit or suits in any of the Courts of this State in the name of any other person or persons, without his, her, or their consent: *Provided however,* that whenever the beneficial use shall be in one and the legal title in another, it shall be lawful for the person or persons who is entitled to the use or benefit in the cause of action to use the name of him who has the legal title.

Liability, for

Sec. 2. *And be it further enacted,* That any person violating the provisions of this act shall be liable to an indictment, and on conviction thereof, shall be fined in a sum not less than five hundred, or more than one thousand dollars; one half of which shall be paid over when collected, to the person or persons in whose name or names such suit or suits may have been instituted.

Approved, January 27, 1845.

[No. 211.]

## AN ACT

For the relief of Tales Jurors of Pickens County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act that all tales jurors who shall serve either in the Circuit or County Court of Pickens county, shall be entitled to prove their service, and receive the same per diem pay that is now allowed to those of the original *venire facias*, in proportion to the time they may have served; any law to the contrary notwithstanding.

Approved, January 24, 1845.

[No. 212.]

## AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in pursuance of the several decrees in Chancery heretofore made, in the several counties hereinafter specified, the bonds of matrimony heretofore solemnized, and subsisting between the several parties hereinafter named, be, and the same are hereby annulled and made void:

And that Energy H. Vincent be divorced, from his wife Vincent from Eliza Vincent, in pursuance of a decree of the Court of Chancery, made in Franklin county:

And that Francis A. Hunter be divorced from her husband, Hunter from John D. Hunter, in pursuance of a decree of the Court of Chancery, in Sumter county:

And that Solomon Chapman be divorced from his wife Chapman Lydia Chapman, in pursuance of a decree of the Chancery Court of Benton county:

And that Daniel McNeill be divorced from his wife Juliet McNeill from McNeill, in pursuance of a decree of the Chancery Court of Mobile county:

And that Barbery Owens be divorced from her husband Owens from Owens, in pursuance of a decree of the Court of Chancery in Perry county:

And that Thomas A. Spraggins be divorced from his wife Spraggins Permelia Spraggins, in pursuance to a decree of the Court of Chancery, in Tallapoosa county:

- Perkins from Perkins. And that Martha Perkins be divorced from her husband John Perkins, in pursuance to a decree of the Court of Chancery in Dallas county:
- Erwin from Erwin. And that William Erwin be divorced from his wife Cynthia Erwin, in pursuance to a decree of a Court of Chancery in Fayette county:
- Turvin from Turvin. And that Elijah Turvin be divorced from his wife Eliza Turvin, in pursuance to a decree of the Court of Chancery in Montgomery county:
- Mooney from Mooney. And that Amynitus Mooney be divorced from her husband Kinean H. Mooney, in pursuance to a decree of the Court of Chancery, made in Montgomery county:
- Cunningham from Cunningham. And that Martha E. Cunningham, be divorced from her husband James T. Cunningham, in pursuance to a decree of the Court of Chancery in Jackson county:
- O'Neill from O'Neill. And that Massy O'Neil be divorced from her husband James O'Neil, in pursuance to a decree of a Court of Chancery, in Mobile county:
- Leddell from Leddell. And that Robert W. Leddell be divorced from his wife Winefred Leddell, in pursuance to a decree of a Court of Chancery of Sumter county:
- Maddox from Maddox. And that Martha E. Maddox be divorced from her husband Jesse Maddox, in pursuance to a decree of a Chancery Court in Barbour county:
- Approved, January 22, 1845.

[No. 213.]

## AN ACT

To regulate Admiralty proceedings against Steamboats and other water crafts navigating the inland waters of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, no officer of any steamboat or other water craft employed on the navigable waters of this State, shall be entitled to any lien on such boat, or other water craft, for services rendered on the same, and the lien and priority of all hands and laborers employed on such boat, or other water craft, shall be postponed to the claims of any other *bona fide* creditor or creditors of such boat, unless the claim of such hand or laborer be enforced by the institution of proceedings against such boat or other water craft within thirty days from the rendition of such services.

Liens of officers not to have precedence over other claims.

Sec. 2. *And be it further enacted*, That in all suits hereafter brought by libel against any steamboat or other water craft in any of the Courts of this State, the attorney's tax fee shall be six dollars; the clerk's cost for issuing process the same as for process in other civil suits, except for writs of seizure, for which they shall be entitled to one dollar; the sheriff's for writs of seizure, and monition, the same as for writs in other civil suits, and for other process, the same as for like process in other civil suits, for taking bonds for the forthcoming of such boat, the same as in case of attachment, and they shall be entitled to two dollars a day for the safe keeping of any boat.

Fees of Attorneys and Officers, &c.

Sec. 3. *And be it further enacted*, That in all cases of proceeding by libel before Justices of the Peace, the Justices shall be entitled to the same fees for issuing process as clerks, and for rendering judgment the same as in other cases, and the fees of constables for serving process the same as in other civil suits.

Justices fees

Approved, January 27, 1845.

[No. 214.]

## AN ACT

To alter the organization of the Board of the Commissioners of Roads and Revenue, in the County of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the four Commissioners of Revenue of Mobile county, after the passage of this act, shall hold a meeting, and choose from among the citizens of said county, a competent person to act with them as a Commissioner of Revenue of said county, after which the said five commissioners shall choose from among themselves a President; and the title of said board shall be "The President and Commissioners of Revenue of Mobile county," and thus organized, said Court shall have all the powers and use and exercise all the duties hitherto had, used, and exercised by the Judge and Commissioners of Revenue of said county; and that at all future elections for Commissioners of Revenue of said county, there shall be elected five persons as Commissioners of Revenue, one of whom shall be chosen by the others as President.

Commissioners to select a person to act with them.

Sec. 2. *And be it further enacted*, That the laws now in force requiring the Judge of the County Court of Mobile county, to perform any duties as Commissioner of Revenue, *ex-officio* or otherwise, be, and the same are hereby repealed.

Judge of C.C. not required to act with Commissioners.

Clerks and  
Sheriff shall  
make quarter-  
returns of mo-  
neys received

Sec. 3. *And be it further enacted*, That the Clerks of the County and Circuit Courts, and the Sheriff of Mobile county; shall make quarterly returns under oath or affirmation at such time and times as may be prescribed by the President and Commissioners of Revenue, of all moneys by them received belonging to the county, and shall pay the same over the county treasurer, and no allowance shall be made on any account whatsoever, except by the President and Commissioners, and when it is sought for before the first Monday of January, in each and every year.

Vacancies.

Sec. 4. *And be it further enacted*, That the board of Road Commissioners of said county, be, and they are hereby authorized to nominate and appoint persons to fill vacancies that have, or may occur in their board, and that whenever any member of said board shall fail to attend the meetings, and perform the duties of his office for two consecutive meetings, the said board may declare his office vacated, and proceed to fill it under this section; and that hereafter, six members shall constitute a quorum of said board, instead of eight, as now required by law.

X School lands  
may be leased

Sec. 5. *And be it further enacted*, That the school commissioners of Mobile county, be, and they are hereby authorized and empowered to lease for a period not exceeding five years, any lands appertaining to schools, for such rents and improvements as they may deem beneficial to the school fund, and that five members shall constitute a quorum of said board.

Tax to be levied on auctioneers.

Sec. 6. *And be it further enacted*, That hereafter, all sales of goods, wares, merchandise, of whatever, name, nature, or description, made by any auctioneer, or auctioneers, or by his, her, or their agent, partner, attorney, or by any one engaged or employed by them, shall be subject to the tax of one half per cent. in favor of said school fund, and shall be paid by said auctioneer or auctioneers monthly, to the officer appointed by said board to collect the same; and in case of the refusal, on demand by the said officer to pay the same, the said officer is hereby empowered, by ten days notice, returnable to the next term of the Circuit or County Court of Mobile county, given to the party or parties in default, to move for and have judgment against said party or parties, for such sum as appears to be due, on which judgment execution, may issue as in other cases.

Repeal.

Sec. 7. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 27, 1845.

[No. 215.]

## AN ACT

To provide for the support of Paupers in the Counties of Chambers and Lowndes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court, and Commissioners of Roads and Revenue, of Chambers County, be, and they are hereby authorized whenever they or a majority of them shall deem it necessary to purchase and receive titles to any quantity of land not exceeding one quarter section; which title shall be made to the Judge of the County Court of Chambers and his successors in office, and shall vest in and be the property of the County of Chambers. Commissioners may purchase land.

Sec. 2. *And be it further enacted,* That said Judge and Commissioners, or a majority of them, are hereby authorized to contract for the building of all necessary houses and improvements for the purposes herein mentioned; the expenses of which shall be paid out of the County Treasury of Chambers County. May contract for buildings.

Sec. 3. *And be it further enacted,* That whenever it shall appear to the Commissioners Court of Roads and Revenue of said County of Chambers, that any person is a fit and proper subject of public charity and support, he, she, or they, so soon as there be a Poor House in said county, may be ordered by said Court to be conveyed to said Poor House as aforesaid, to be taken care of and supported; and said Court is hereby authorized to employ some suitable person as Steward to superintend and take charge of all the poor of said County that may be placed under them. Paupers may be sent to poor house. Steward to be selected.

Sec. 4. *And be it further enacted,* That it shall be the duty of said Judge of the County Court and Commissioners of Roads and Revenue, or a majority of them, to meet at the Poor House of said county, once in every three months and to examine into the condition of the house, the furniture, the paupers and their treatment; and the said court shall in all cases have power to dismiss any person from the care and charge of the Poor House at the pleasure of said court; and to make all such rules and regulations as the said court shall deem necessary and advisable, with due regard to economy and the comfort of the poor. Meetings of Commissioners. Powers of.

Sec. 5. *And be it further enacted,* That said Judge and Commissioners Court, shall cause to be kept a book of record, in which shall be entered a full and correct statement of all disbursements and receipts, as well as a general record of all their proceedings in relation to the management and expenses of said poor house and paupers; which said record shall at all Book of record to be kept.

times be kept open for the inspection and examination of the citizens of the county, and shall receive as a compensation for their services the same as is now provided for by law; and the Clerk of the County Court of said County, whose duty it shall be, to keep and make up said record, shall receive for said services such additional compensation as said court may deem fit and proper.

Overseers to be appointed, and their duties. Sec. 6. *And be it further enacted*, That at the first Court to be holden by said Judge and Commissioners of Roads and Revenue, after said Poor House is completed, the said Court shall appoint one discreet person in each captain's beat in said county, to act as overseer of the poor; whose duty it shall be to report to each term of said Court all such persons in said beat, who may be proper subjects of charity and public support, and whether such person or persons are resident citizens of said County of Chambers, and the said Court shall inquire into the facts, and make such order as is required by this act, or such other order as they may deem necessary and proper; and said overseers shall serve the term of two years, and all vacancies shall be filled by said Court.

Steward to give bond. Sec. 7. *And be it further enacted*, That before any Steward or Superintendant, shall enter upon the duties of his office, he shall enter into bond with two or more good securities, payable to the Judge of the said County Court and his successors in office; and to be approved of by said Court of Commissioners of Roads and Revenue, and in such penalty as said Court may direct, conditioned for the faithful discharge of the duties of his office; which said bond shall not be void on the first recovery thereon, but may be sued on as often as may be deemed necessary and proper by said Court; and the said Commissioners Court shall have power to make such rules and regulations for the support of the Poor House, as to them may seem to comport with the interests of the County and the health and comfort of the poor.

Repeal. Sec. 8. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Provisions extended to Lowndes county. Sec. 9. *And be it further enacted*, That the provisions of this act shall extend to the County of Lowndes, and that the Judge of the County Court and Commissioners of Roads and Revenue of said County, are hereby required to carry its provisions into effect in said County.

Approved, January 23, 1845.



[No. 216.]

## AN ACT

To compel Sheriffs and Coroners to perform their official duties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That where any Sheriff or Coroner shall fail or refuse to execute any original writ, attachment or mesne process, to him delivered, and the plaintiff or plaintiffs, his, her or their attorney shall suggest to the Court to which said original writ, attachment, or mesne process is returnable, that with due diligence the same could have been executed or levied, it shall be the duty of the Court forthwith to cause an issue to be made up to try the facts, and if it shall be found by the jury trying the issue, that said writ, attachment or mesne process could have been executed or levied with due diligence, judgment shall be rendered against said Sheriff or Coroner, and his securities or any or either of them, in a sum not less than fifty nor more than five hundred dollars, to be estimated and fixed by the said jury: *Provided,* that this act be deemed cumulative, and not to bar or affect any right of action, that the law now affords against Sheriffs, Coroners, or their securities for neglect of official duties herein named.

Court may  
cause issue to  
be tried at  
suggestion of  
plaintiff.

Sec. 2. *And be it further enacted,* That such Sheriff or his securities shall have three days notice of said suggestion.

Approved, January 25, 1845.

[No. 217.]

## AN ACT

To authorize the Court of Roads and Revenue, of Butler, Tallapoosa and Chambers Counties, to levy a County Tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Court of Roads and Revenue, of Butler, Tallapoosa and Chambers Counties, are hereby authorized to levy a county tax, not exceeding one hundred per cent. of the present State tax, for the purpose of meeting the county liabilities.

May levy tax.

Sec. 2. *And be it further enacted,* That all laws and parts of laws in conflict with this act, are hereby repealed.

Repeal.

Approved, January 24, 1845.

[No. 218.]

## AN ACT

To permit the taking of testimony by deposition in the Counties of Monroe, Clarke, and Washington, and reciprocally in the County and City of Mobile.

Testimony  
may be taken  
by deposition

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall and may be lawful in all suits now existing, or which may hereafter be commenced in the Circuit, County, or Justices Courts, of the Counties of Monroe, Clarke, and Washington, to take the testimony of any witness or witnesses residing in the City or County of Mobile by deposition, upon giving the notice and complying with the other forms and requisites necessary to take the testimony of witnesses who reside over one hundred miles from the Court House of any County.

Depositions in  
civil suits.

Sec. 2. *And be it further enacted,* That it shall, and may be lawful in all or any civil suits which may hereafter be commenced in the County or City of Mobile, to take the testimony of any witness residing in either of the counties of Monroe, Clarke, or Washington, by deposition as aforesaid, by complying with the provisions of the law authorizing the testimony of witnesses to be taken by deposition, when they reside over one hundred miles from the Court House of the County.

Construction  
of act.

Sec. 3. *And be it further enacted,* That the provisions of this act, shall not be construed to compel the parties interested in any suit to take the testimony of any witness by deposition, but any party or attorney may compel the attendance of a witness under the penalties of the law now in force by the ordinary process of subpoena.

Sec. 4. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this law, be, and the same are hereby repealed.

Approved, 21st January, 1845.

[No. 219.]

## AN ACT

To regulate the effect of Sales under the decrees of the Court of Equity in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever a Bill in Equity shall be filed in any Court of Equity in this State, on any older mortgage or lien, and a decree rendered thereon, and sale had, without making junior

incumbrances parties to such Bill; the decree and sale shall have the effect only to transfer all the right, title, claim and interest, to the purchaser, that the older mortgagee or holder of the prior lien, had by virtue of his older mortgage or lien, and such purchaser shall be able to maintain all such suits both at law and in equity, that the original mortgagee or holder of the prior lien could have maintained. Title, how made.

Sec. 2. *And be it further enacted*, That the provisions of this act shall apply as well to sales under decrees heretofore had as to those that may hereafter take place.

Approved, January 27, 1845.

[No. 220.]

### AN ACT

To change the time of holding the Circuit Courts of Limestone County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the Circuit Courts of Limestone County, shall be held on the second Mondays in March and September, in each year, and may continue one week. Time changed.

Sec. 2. *And be it further enacted*, That all process made returnable to the first Mondays in March and September, shall be deemed and held returnable to the second Mondays in March and September. Process.

Approved, 25th January, 1845.

[No. 221.]

### AN ACT

To extend the time of holding the Chancery Court of Sumter and Mobile Counties, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the February term of the Chancery Court for the County of Sumter, shall continue in session for two weeks, unless the business of said Court shall be sooner disposed of. Sumter.

Sec. 2. *And be it further enacted*, That in lieu of the Chancery Court now required to be held in the twenty-first Chancery District, composed of the County of Greene, there Greene.

shall be held for said Chancery District, two terms of said Court, in each and every year, one on the second Monday of March, the other on the second Monday of September; each term of said Court to continue until all the business of said Court shall be disposed of.

Mobile.

Sec. 3. *And be it further enacted*, That the Chancellor be authorized to hold two terms a year of the Chancery Court of the city of Mobile, and shall have the power each year to determine the time of holding the same, which shall be duly advertised, and the terms shall each continue two weeks, if the business requires it, and longer if the other duties of the Chancellor permit.

Approved, 25th January, 1845.

[No. 222.]

## AN ACT

Concerning trading boats and other traffic with slaves, in this State.

Unlawful for owners or agents of steamboats to trade with slaves.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall not be lawful for any owner or owners, agent or agents of any trading boat or other water craft, in any of the navigable waters in this State, to trade with or traffic by sale, barter or exchange, dry goods, groceries, or spirituous liquors, in any form, with, to, by, or from any slave or slaves in this State, under the penalty of a fine of five hundred dollars, and imprisonment in the county jail for any term not exceeding twelve months, at the discretion of the court.

Testimony.

Sec. 2. *And be it further enacted*, That it shall be sufficient testimony to convict any such trader or traders, who shall be indicted under the above section of this act, to find the property of any citizen of this State on board of any such boat, unless the owner of said boat shall be required to produce a written order signed by the owner or agent of said slave, to exonerate himself from the penalty of the above section of this act.

Proceedings.

Sec. 3. *And be it further enacted*, That the proceedings under this act shall be by indictment or presentment of a grand jury, and trial as in other cases of misdemeanors.

Justice may issue warrant on complaint being made.

Sec. 4. *And be it further enacted*, That on complaint being made by any person on oath, before any Justice of the Peace, that any person has been guilty of violating any of the provisions contained and set forth in this act, it shall be the duty of such Justice forthwith to issue his warrant, under his

hand and seal, directing the same to the Sheriff of the county, or any Constable of said county, requiring them forthwith to pursue and arrest the person so charged, and to convey him, her, or them before some Justice of the Peace, to be further dealt with according to law: *Provided*, that the person making the complaint, shall set forth the name or names of the person or persons charged, together with a description of the articles traded for. Provido.

Sec. 5. *And be it further enacted*, That such warrant shall and may be executed by the officer to whom it may be delivered by the justice issuing the same, in any county or place in this State: *Provided*, in all cases where any river may divide two counties, the Courts of either county may take cognizance of such offence; any law, usage or custom to the contrary notwithstanding. Warrant how executed.  
Provido.

Approved, 27th January, 1845.

[No. 223.]

## AN ACT

To settle the affairs of the Bank of this State and Branches.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Legislature shall elect two Directors for the Bank of the State of Alabama and each of the Branch Banks, from five persons to be nominated by the Governor for each Bank, who shall hold their offices for the term of one year, and shall, with the President to be elected as heretofore, respectively take charge of the assets of the said Bank, and Branch Banks, and proceed to adjust and close the business thereof as is hereinafter provided; but before the said President and Directors shall take charge of the assets of the said Banks, they shall respectively enter into bond, with good and sufficient security, payable to the Governor and his successors in office, in the sum of twenty thousand dollars: conditioned, faithfully to perform the duties of their office; which bond shall be approved by a Judge of the Circuit Court, or Supreme Court of the State, and be recorded in the office of the County Court, where the Bank is situated, and the original shall be filed with the Secretary of State, and a copy of the same duly certified, shall be admitted as evidence in any Court in this State in place of the original; and if any vacancy occur in any of the Boards of President and Directors during the recess of the Legislature, the same shall be filled as is now provided by law. President and two Directors to be elected for State Bank and Branches  
To give bond.  
Vacancies, how filled.

Sec. 2. *And be it further enacted*, That all the debts owing to said Banks, whether the same are now due, or hereafter to

Debts may be extended.

become due, (except the bills purchased by the President and Directors of the State Bank, during the year eighteen hundred and forty-four, and bills of exchange, which were received for curtailments, during the year eighteen hundred and forty-four, all of which said bills of exchange shall be collected without the privileges of extension,) may be extended until the first day of June, eighteen hundred and forty-six, by application to the Presidents and Directors of said Banks: *Provided*, the same be done on or before the first day of June, eighteen hundred and forty-five, by paying all costs and charges that may have accrued upon the same, and one third of the debt, principal and interest due, at the time of extension: *Provided further*, that the said President and Directors shall have power in all cases, upon the payment of the said amount to require additional security for the balance of the debt, if in their judgment, its security, or the condition of the debtor requires it.

Proviso.

Proviso.

Directors may suspend executions for 12 months.

Sec. 3. *And be it further enacted*, That on all judgments now existing, or which may be rendered before the first day of June next, in favor of said Bank and Branch Banks, the President and Directors shall be authorized to suspend executions thereon for twelve months, on the payment of all costs, and one third of the principal and interest of said judgments: *Provided*, all the parties to said judgments will file their assent to the suspension in writing, in the Bank or Branch Banks, before such suspension shall be granted: *And provided further*, that when the securities in any judgment are dead, or removed beyond the jurisdiction of this State, the principal defendant shall be allowed to extend the same on the terms above stated, by giving ample and additional security for the balance, by mortgage or personal security, to the satisfaction of the President and Directors of the Bank or Branch Banks to which the said judgments may be owing: *Provided*, that all judgments now rendered in favor of any of said Banks, or that may hereafter be rendered, shall be a lien on all of the real estate, of the defendants, which lien shall not be discharged until the judgment is satisfied; nor shall any lien arising from a junior judgment, in favor of any individual, overreach such lien, nor shall any contract entered into after the rendition of such judgment by the defendants, ever overreach such lien until the judgment is satisfied: *Provided further* that there shall be but one execution for costs on any judgment.

Proviso.

Additional securities may be required.

Proviso.

Written consent of securities must be given.

Sec. 4. *And be it further enacted*. That no bank debtor shall be entitled to the provisions of the third section of this act, until he or she has filed the written consent of his or her securities to such extension, in the Bank where the same is applied for: *Provided*, said securities be living or reside within the limits of the State of Alabama.

Sec. 5. *And be it further enacted*, That all debts falling due during the year eighteen hundred and forty-five, and after

the first day of June, eighteen hundred and forty-five, may be extended according to the provisions of the third section of this act: *Provided*, the same be done within thirty days after the same may become due.

Sec. 6. *And be it further enacted*, That it shall be the duty of the President and Directors of the said Bank and Branch Banks, within thirty days after the first day of June, eighteen hundred and forty-five, to place in suit, all notes, bills of exchange, or other evidences of debt, and upon those becoming due after the first day of June, eighteen hundred and forty-five, and in said year, within thirty days after the same becomes due, which may be good, or reported as good, unless the provisions of this act extending the same be complied with; and all other debts whether marked bad or doubtful, shall in like manner be placed in suit, if the said President and Directors believe the same can be collected: *Provided*, the institution of such suits does not interfere with or violate any agreement or contract made by the said Banks with their debtors, previous to the passage of this act.

Notes, &c. to be put in suit unless provisions complied with.

Proviso.

Sec. 7. *And be it further enacted*, That all cases marked had, doubtful and unknown, may be placed in the hands of such trustworthy agents, or attorneys, as they may select in the county where the debtor resides, who shall give bond and security in such sum as may be required by said President and Directors for the faithful performance of said trust; and said agents or attorneys, shall have full power to collect or compound said debts, on the best practicable terms: *Provided*, the said settlement or compromise, be approved and sanctioned by the President and Directors of the said Bank or Branch Banks, but in no case, shall the Bank or State be liable for costs, unless the President and Directors, expressly direct suit to be brought for the same; the said agents or attorneys shall not have more than fifteen per cent. on the amount collected, from debtors of this State, and not more than twenty-five per cent. on the amount collected from non-residents.

Bad and doubtful debts to be placed in hands of agents for collection.

Proviso.

Sec. 8. *And be it further enacted*, That in addition to the duties now required of the attorneys of the several Banks, they shall within twenty days after the adjournment of each and every court in which suits may be brought in favor of said Banks, file a full statement showing the condition of each and every suit, which statement shall be certified by the Clerk of said Court, and lodged with the President and Directors of said Banks.

Attorneys to make statement of condition of suits.

Sec. 9. *And be it further enacted*, That the President and Directors are hereby authorized to sell all the personal estate of said several Banks, at any time they may think proper, during the year eighteen hundred and forty-five, at public auction, for

Directors may sell the personal estate of the Banks.

cash, giving thirty days notice as now provided by law, of the time and place of sale, and they shall sell simply such title as the Banks have, without any warranty of title.

Real estate of Banks may be sold.      Sec. 10. *And be it further enacted*, That the President and Directors of said Banks, shall sell the real estate belonging to said Banks, either at public or private sale, and at such time during the year eighteen hundred and forty-five, as they shall deem most expedient: *Provided*, that in all cases of sale, three fourths of the amount, at which the land was valued, be obtained, and the terms of sale and payment be the same as are provided in the act approved, the twenty-first of January, eighteen hundred and forty-three: *And provided further*, that said real estate be sold for specie or specie funds.

Proviso.

President to report to Legislature.      Sec. 11. *And be it further enacted*, That it shall be the duty of the President and Directors of the several Banks, to make report to the Legislature at the commencement of every session of the General Assembly, showing the condition of their Banks, which shall contain a statement shewing all the debts due to said Banks, what amount they have collected, what property they have sold, and to whom and for what price.

Compensation.      Sec. 12. *And be it further enacted*, That the compensation of the President and Directors of said several Banks shall be the same as now provided by law.

Special contracts.      Sec. 13. *And be it further enacted*, That in all cases where a special contract has been made, with any debtor of said Bank or Branches, taking the particular case out of the operation of the general extension laws, heretofore passed and giving to said debtor a longer time to pay his debts, it shall not be lawful for such debtor to take the benefit of this law; but in all such cases, it shall be the duty of said President and Directors, to place the debt in suit, unless the same, or the several instalments of the same be promptly paid at maturity.

President and Directors to make provision for payment of interest on State Bonds.      Sec. 14. *And be it further enacted*, That the President and Directors of the Bank of the State of Alabama, are hereby authorized and required to make provision for the payment of the interest on the State bonds issued on account of said State Bank and each of its Branches, and any funds in either of said Banks, or in the State Treasury, not otherwise appropriated, shall be subject to the control and management of said Directors for this purpose: *Provided*, the consent of the Governor to such provision be first obtained.

Repeal.      Sec. 15. *And be it further enacted*, That so much of an act, entitled an act, to regulate the management and expenses of the Bank of the State of Alabama and its several Branches, approved, eleventh of February, eighteen hundred and forty-three, as requires the appointment of agents to serve notices, attachments, executions, &c., be, and the same is hereby repealed.



Sec. 16. *And be it further enacted*, That it shall be the duty of the President and Directors of the Bank of the State of Alabama, within thirty days after the passage of this act, to destroy or efface all the plates of every denomination belonging to said State Bank and Branch Banks, and also to burn all the blank impressions of the State Bank. Bank plates to be destroyed.

Sec. 17. *And be it further enacted*, That the tax fees of the Bank attorneys, shall be two dollars in each case : *Provided* Attorneys' tax fee. however, that but one tax fee shall be allowed, on any one note, bond or bill.

Sec. 18. *And be it further enacted*, That the Cashier of the State Bank, in the presence of the Directors, Governor and Secretary of State, is hereby authorized to exchange so much of the currency deposited in the Bank by the Treasurer of the State, as is so much defaced as to be unfit for circulation, for an equal amount of undefaced bills, in the possession of the Bank, either of the bills of the State Bank or Branches. Cashier to exchange defaced bills.

Sec. 19. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 25, 1845.

[No. 224.]

# AN ACT

To change the name of a certain person therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the name of Jefferson Snyder, of the County of Dallas, be, and the same is hereby changed to that of William Doolittle. Snyder to Doolittle.

Sec. 2. *And be it further enacted*, That the said William Doolittle, be, and he is hereby made the legal heir of Samuel M. Doolittle, of the County of Dallas, and be entitled to take and hold any property, by inheritance or otherwise, that may descend to him as such.

Approved, 25th January, 1845.

[No. 225.]

## AN ACT

For the relief of Sarah Fonville, and Eliza Billingslea.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Sarah Fonville, the wife of William Fonville, of the County of Bibb, shall be capable in law of taking and holding by purchase, gift or inheritance, any property, real or personal, in the same manner, and to the same extent, that a *feme sole*, may do, and the property so hereafter to be obtained shall be free from liabilities, for, or on account of the debts of her said husband.

Made free  
dealer.

Sec. 2. *And be it further enacted*, That the said Sarah Fonville, shall be allowed to hold in like manner, free from the debts of her husband, aforesaid, all and any property which she may accumulate hereafter by her own care and industry.

Sec. 3. *And be it further enacted*, That all the provisions of this act be extended to Eliza Billingslea, wife of Clement T. Billingslea, of Maplesville, Bibb county.

Approved, January 25, 1845.

[No. 226.]

## AN ACT

For the relief of Jacob S. Marsh.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter in all cases where it may be necessary for Jacob S. Marsh, of the County of Mobile, to take and subscribe the oaths prescribed by law, against duelling, the same shall be administered in reference to time, to the third day of December, eighteen hundred and forty-four.

Sec. 2. *And be it further enacted*, That the said Jacob S. Marsh, shall not in any manner, be liable to the pains and penalties prescribed in sections eleven and twelve, chapter three, of the penal code, for any act or thing which may have been done by said Marsh, prior to the third day of December, eighteen hundred and forty-four.

Approved, 25th January, 1845.

[No. 227.]

## AN ACT

For the better government of the State Penitentiary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so soon after the passage of this act, as the same may be conveniently done, a store room for the uses and purposes hereinafter mentioned, shall be built at or near the Penitentiary of this State under the supervision of the Inspectors thereof; that the Inspectors shall advertise in one or more newspapers for the building thereof, and determine upon the location, size and form which may be most proper and convenient for the same, and the said Inspectors are hereby authorized to contract for the building of the said store house upon such terms as to them may seem just and reasonable: *Provided*, that the labor of the convicts shall be applied to the construction of said store room so far as the same can be done, and that until the same shall be completed, the Inspectors and Wardens shall set apart some room of the Penitentiary, to be used for the purposes of a store house.

Store house to be built—how constructed.

Provide.

Sec. 2. *And be it further enacted,* That whenever the Governor shall be satisfied that the said store room has been completed according to contract, he is hereby authorized and required to draw his warrant on the Treasury for such sum of money as may have been agreed to be paid, in favor of such person or persons as may be entitled to receive it.

Governor to draw warrant for pay of Store room.

Sec. 3. *And be it further enacted,* That immediately after the passage of this act, a store keeper for said Penitentiary, shall be elected by the Board of Inspectors, who shall enter into bond with good security, to be approved by the said Inspectors in the sum of five thousand dollars, payable to the Governor of the State of Alabama and his successors in office, for the faithful performance of his duties, who shall hold his office for two years, removable by said Inspectors on good and sufficient cause shown, and who shall receive for his services the sum of five hundred dollars per annum, payable half yearly.

Store keeper to be elected.

Sec. 4. *And be it further enacted,* That it shall be the duty of the Inspectors, to determine upon the prices which shall be paid for such articles of raw material as may be needful for manufacture in said Penitentiary, and that whenever any such article shall be purchased, the same shall be taken in charge by the store keeper, and by him kept and disposed of as is hereinafter provided for.

Inspectors to determine on price of raw material for manufacture.

Sec. 5. *And be it further enacted,* That said store keeper, as also the clerk of said Penitentiary, shall provide suitable books in which each shall enter all the various articles of raw material, together with the prices paid therefor, which may be purchased for the use of the said Penitentiary.

Books to be kept.

Storekeeper  
to deliver raw  
material to  
head work-  
men.

Sec. 6. *And be it further enacted,* That whenever any article of raw material may be needed for manufacture, the same shall be set apart by the said store keeper, under the supervision of the Warden and one or more of the Inspectors, at such time, and in such quantities as to them may seem fit and necessary; and that when the raw material thus set apart shall be applied for by the head workmen of the different departments of labor in said Penitentiary, the said store keeper shall deliver over the same taking a receipt therefor from each; and the said clerk, and the said store keeper shall respectively make an entry in proper form upon their books of the articles so set apart and delivered.

When manu-  
factured, how  
disposed of.

Sec. 7. *And be it further enacted,* That so soon as such raw material set apart as aforesaid, shall be wrought into manufactured articles, the same shall be returned by each head workman to the principal clerk of the Penitentiary, whose duty it shall be to take an inventory of the same, and enter it on his books, and when said inventory shall have been so entered, the said clerk shall deliver the said manufactured articles to the said store keeper, taking his receipt therefor and filing it away; and when the said manufactured articles shall be taken in charge by the said store keeper, it shall be his duty to make an entry of the same on his books, and after being appraised by the Warden and Inspectors or a majority of them, at the lowest cash prices, to dispose of and sell the same for cash only; and whenever any such appraisement shall be made, it shall be the duty of the clerk and store keeper respectively to enter the same upon their books.

Store keeper  
to keep an ac-  
count of sales

Sec. 8. *And be it further enacted,* That it shall be the duty of the said store keeper to enter upon his books in a fair and legible hand an account of all sales made, specifying the articles and quantity sold, the purchaser thereof, and the amount of cash received therefor, and at the expiration of each week he shall pay over to the Warden of the Penitentiary all such moneys as he may have received on account of sales made by him, and take a receipt for the same; the store keeper after auditing his books with said settlement, shall report the same to the principal clerk, whose duty it shall be to make an entry of the same on the books of his office.

Inspectors  
may order  
sale of manu-  
factures, and  
when.

Sec. 9. *And be it further enacted,* That on the first Tuesday of October in each and every year, the Inspectors may in their discretion order the sale, at public auction, of all such articles as may likely be impaired by being kept on hand, after first giving due notice of such sale in some one or more newspapers of the city of Wetumpka, and such sale when commenced may continue until all such articles may be disposed of.

Sec. 10. *And be it further enacted*, That no officer or officers of said Penitentiary shall have the right to purchase on a credit any article whatsoever for the use thereof, unless with the consent and sanction of the Governor of the State.

Officers not to purchase on credit.

Sec. 11. *And be it further enacted*, That for all repairs hereafter made upon any article in said Penitentiary, the Warden shall have a lien thereon, until said repairs are paid for, and in the event the same shall not be paid for, the Warden is hereby authorized on giving twenty days notice to the owner of such article, to sell the same at public auction, and after deducting from the proceeds of said sale the amount due, together with the expenses of the sale, he shall pay the residue if any there be, to the proper persons.

Lien on articles repaired, until paid for.

Sec. 12. *And be it further enacted*, That hereafter no person employed as a guard in said Penitentiary, shall absent himself from his post of duty without the permission of the Warden first obtained, under the penalty of dismissal by said Warden, and a forfeiture of all wages which may have accrued.

Guards shall not absent themselves.

Sec. 13. *And be it further enacted*, That so soon as the same can be done, it shall be the duty of the Warden and Inspectors to cause to be erected on the walls of said Penitentiary, two or more sentry boxes, at such points as may be deemed best; which when completed, shall each be occupied by some sentinel at all times when the convicts are not confined to their cells.

Sentry boxes to be erected.

Sec. 14. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, January 27, 1845.

[No. 228.]

## AN ACT

To compensate D. Lyman Beecher for certain services therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the sum of thirty dollars, be, and the same is hereby appropriated to D. Lyman Beecher, for services rendered under the appointment of the Warden of the State Penitentiary, to hold inquests upon the bodies of six deceased convicts of the same; to be paid out of any money in the treasury not otherwise appropriated, and the Comptroller of Public Accounts is hereby required to issue his warrant for the same.

L. D. Beecher

Approved, January 25, 1845.

No. 229.]

## AN ACT

For the relief of Charles J. Barnett, of Pike County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* convened, That the Governor be authorized to remit the fine and imprisonment imposed at the fall term, in the year eighteen hundred and forty-four, of the Circuit Court of Pike County, upon Charles J. Barnett, for illegal voting; any law to the contrary notwithstanding.

Approved, January 27, 1845.

[No. 300.]

## AN ACT

For the relief of Augustus C. Hawkins, of the County of Macon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* convened, That Doctor Augustus C. Hawkins, of the County of Macon, be authorized to practise medicine in the State of Alabama, without a license from any medical board in this State.

Authorized to  
practise med-  
icine.

Sec. 2. *And be it further enacted*, That the said Augustus C. Hawkins be discharged from all the penalties he may have incurred by practising medicine in this State without a diploma or license; and that the said Augustus C. Hawkins, have all the rights and privileges of other physicians authorized to practise medicine in the State of Alabama; any law, usage or custom to the contrary notwithstanding.

Approved, January 27, 1845.

[No. 231.]

## AN ACT

Legitimizing the Children of John Rapier.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly* convened, That the following named children of John Rapier, a free man of color, viz: Richard, Henry, John and James, be, and they are hereby legitimated, as the children of John H. Rapier, and capable both in law and equity of receiving and inheriting the estate of the said father, to all intents and purposes as though they had been born in lawful wedlock.

Children le-  
gitimated,

Approved, January 24, 1845.

[No. 232.]

## AN ACT

To extend the time for the removal of certain slaves, emancipated, by the decree of the County Court, of Clarke County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembled,* That Cecily, Mary, Squire, Pena, and David, emancipated by a decree of the County Court of Clarke County, at a term of said Court held on the twentieth of April, eighteen hundred and forty-two, on the application of Thomas Ryley, be, and they are hereby authorized and permitted to remain in the State of Alabama, until the first of January, eighteen hundred and fifty, from the passage of this act, without incurring the penalties to which emancipated slaves are subjected, by an act, entitled an act, to authorize the Judges of the County Court to emancipate slaves, passed, January seventh, eighteen hundred and thirty-four: *Provided,* that said slaves shall not be removed from Clarke county to any other county in this State.

Time of removal extended.

Approved, 25th January, 1845.

[No. 233.]

## AN ACT

To change the name of a certain person therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of James C. Hooper, of De Kalb county, be, and the same is hereby changed to James H. Campbell, and by the latter name he shall always be designated and known.

Hooper to Campbell.

Approved, 27th January, 1845.

[No. 234.]

## AN ACT

To change the name of Benjamin D. Horton, of Madison County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the name of Benjamin D. Horton, of the County of Madison, be, and the same is hereby changed to that of Benjamin D. Griffith.

Horton to Griffith.

Approved, January 25, 1845.

[No. 235.]

## AN ACT

For the relief of Elizabeth Waldron, of Wilcox County. .

Made\*free  
dealer.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Elizabeth Waldron, wife of John Waldron, of Wilcox county, shall be capable in law of receiving and holding by gift, purchase, or inheritance, any property, real or personal, in the same manner and to the same extent that a *feme sole*, may do; and the property which she may hereafter acquire by gift, inheritance, or purchase as aforesaid, shall be free from liability, for, or on account of any of the debts of her said husband: *Provided*, that at all times she shall be wholly incompetent to make any bargain and sale, or agreement with her said husband, touching any property which she may acquire, by deed, gift, inheritance, or otherwise: *And provided further*, that she shall not have power to sell and dispose of any property so acquired by her in any manner, except by last will and testament.

Approved, January 25, 1845.

[No. 236.]

## AN ACT

Giving the Orphans' Court, in this State, jurisdiction, to compel the Administrator or Executor of a deceased Executor, Administrator or Guardian, to settle the accounts of his testator or intestate, as the case may be.

Administrators, &c compelled to settle estates, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the Orphans' Courts of this State shall have power in all cases wherein letters of administration shall have been granted by said Courts, in any County in this State, on any intestate's estate to any person or persons, or where letters testamentary shall have been granted to any person or persons, or letters of guardianship, and such person or persons shall have died without having previously settled his, her, or their administration, executorship or guardianship, as the case may be, with the Orphans' Court of the county granting the same, to compel the executor, or executors, administrator or administrators of such deceased executor, administrator or guardian, to make settlement of the administration, executorship, or guardianship of his, her, or their intestate or testator, as fully and completely as his, her, or their testator or intestate might, or could have done while living.



Sec. 2. *And be it further enacted*, That the Orphans' Court of that county which granted such letters testamentary, of administration, or of guardianship to such deceased executors, administrators or guardian shall have jurisdiction to compel the executor or executors, administrator or administrators of any such deceased executor, administrator or guardian to make settlement as provided for in the first section of this act, although such executor or executors, administrator or administrators, may have received the appointment as such from the Orphans' Court of another and different county in this State.

Powers of  
Orphans'  
Courts.

Sec. 3. *And be it further enacted*, That the executor or administrator subjected by this act to account, shall be, and is hereby made liable to account, either with the distributees, legatees, creditors, or administrators *de bonis non*, or executor with the will annexed, of his testator or intestate's testator, or intestate: *Provided*, such administrator or guardian, shall only be liable for the assets that may come into his hands.

Administra-  
tor, &c. com-  
pelled to ac-  
count, &c.

Sec. 4. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 27, 1845.

[No. 237.]

## AN ACT

Authorizing the rescission of a contract of the sale of a part of a certain sixteenth section, in Russell County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners of the sixteenth section, in township nineteen and range twenty-nine, in Russell county, be, and they are hereby authorized to rescind the contract of sale of that portion of the sixteenth section, in said township, heretofore made to one Henry Hardy: *Provided*, the said Henry Hardy assents to the same: *And provided further*, that the said Commissioners shall have and obtain the consent of two thirds of the citizens of said township to such rescission: and the Branch Bank at Montgomery is hereby authorized and required to deliver up to the said Hardy, his notes given for the purchase money of said portion of said sixteenth section, upon the presentation of the certificate of said Commissioners, certifying the rescission of said contract as above provided: *And be it further provided*, that the Commissioners shall not be required to refund any money which may have been paid on said contract.

Commission-  
ers authorized  
to rescind  
contract.

Proviso.

Sec. 2. *And be it further enacted*, That upon the assent of two thirds of the citizens of said township and of the said Henry Hardy, said Commissioners are authorized to receive back said land, to be dealt with by them as though the said contract with said Hardy had never been effected.

Approved, 24th January, 1845.

[No. 238.]

AN ACT

For the relief of Martha Richardson, of Cherokee County.

Made free  
dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, Martha Richardson, of the County of Cherokee, shall be capable in law of taking and holding by purchase, gift, or inheritance, any property, real or personal, in the same manner and to the same extent that a *feme sole* may do; and the property so hereafter to be obtained, shall be free from liabilities for, or on account of debts of her said husband.

Approved, January 25, 1845.

[No. 239.]

AN ACT

For the relief of Louisa Sharpe, of Macon County.

Made free  
dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Louisa Sharpe, wife of William Sharpe, of the County of Macon, shall be capable in law of taking and holding, by gift, purchase, or inheritance, any property, real or personal, in the same manner, and to the same extent that a *feme sole* may do; and the property so hereafter to be obtained shall be free from liabilities, for, or on account of the debts of her said husband.

Approved, 25th January, 1845.

[No. 240.]

AN ACT

To emancipate a certain Slave therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Esther, a negro woman slave, in the County of

Autauga, be, and she is hereby emancipated and set free, reserving the rights of the creditors of Christiana McRea, and on the condition that Martin R. Burt, executor of the last will and testament of the before mentioned Christiana McRea, shall give bond in the sum of two hundred dollars, with good and sufficient security, to be approved by the Judge of the County Court, and payable to the Governor of this State and his successors in office, conditioned that the said Esther shall never become a charge to this State, or to any City or Town thereof. Esther emancipated.

Approved, 27th January, 1845.

[No. 241.]

### AN ACT

For the relief of Venus Hassell, and other persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Venus Hassell, Caroline Hassell and Josephine Hassell, free persons of color in the City and County of Montgomery, be, and they are hereby authorized and permitted to remain and continue to live in this State, without being subject or liable to any pains, penalties or forfeitures, on account of such residence; any law, usage or custom to the contrary in any wise notwithstanding. May remain in the State.

Approved, January 27, 1845.

[No. 242.]

### AN ACT

For the relief of the widow and heirs of William Pride, deceased.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Matilda Pride, the administratrix of William Pride, deceased, and late of Morgan County, be, and she is hereby authorized and empowered to sell at public or private sale, all or any part of the real and personal estate, (negroes excepted,) of the said William Pride, deceased, that she may think proper: *Provided,* that the said Matilda Pride, shall first enter into bond with good and sufficient security, and for such amount as shall be approved by the Judge of the County Court of Morgan County, as the natural guardian of the minor heirs of the said William Pride, deceased, and for the safe keeping and preservation of the funds of such sale or sales, for the use and benefit of the heirs of the said William Pride. Administratrix authorized to sell property. Proviso.

Approved, 27th January, 1845.

[No. 243.]

## AN ACT

To locate permanently the County Site for Coffee County, and other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John M. Kimmy, John Musgrove, ———

Commissioners.

Waeters, Lewis Hutchenson, Senr., ——— Burk, ——— Hosea Hoiley and Abraham Warren, be, and they are hereby appointed Commissioners for the purposes hereinafter declared, and as such, they, or a majority of them, are hereby authorized and required to assemble together, and proceed to select, on or before the first day of March next, forty acres of land, at or within one mile of the centre of Coffee county, which when so selected, shall be the permanent site or seat of Justice for said county.

To select a site for town.

Sec. 2. *And be it further enacted,* That it shall be the duty of said Commissioners to proceed forthwith after the selection, to lay off said town at the place as selected, in such manner as they may deem most conducive to the interest of the county, and prosperity of the place; and said Commissioners as soon as practicable thereafter, shall cause said town to be surveyed, and laid off by a competent surveyor into convenient lots, suitable for a Court House Town, and cause a plan of the same to be filed in the office of the clerk of the County Court.

Duty of Commissioners.

Lots to be sold, and how

Sec. 3. *And be it further enacted,* That said Commissioners shall immediately proceed to sell said lots to the highest bidder, by giving at least thirty days notice, by advertisement, at three or more of the most public places in said county, of the time and place of said sale; and they shall superintend the sale of said lots on the premises, for cash to some amount, not to exceed twenty-five per cent., on the sale of each lot, and the remainder on a credit of one, two, and three years, to be paid in three equal annual instalments; the purchaser giving a bond or note with approved security, payable as aforesaid, to the Judge of the County Court of said county, and his successors in office, for the use and benefit of said county.

To contract court house and jail.

Sec. 4. *And be it further enacted,* That said Commissioners shall immediately after the sale of said lots, contract with some person or persons for the building of a Court House and Jail on a cheap plan; and should not the amount to be paid in cash at the sale of the lots, be sufficient, then and in that case, the Judge of the County Court, together with the Commissioners of Revenue and Roads, are authorized to levy a County Tax, not to exceed one hundred per cent., on the State Tax, to make up said deficit: *Provided,* said Commis-

sioners shall have and exercise a discretionary power in selling Proviso. said lots, by selling only such number, as may be needed for the early settlement of said town, or bring a fair price; and they may sell, from time to time, as the public interest and the prosperity of the place may require.

Sec. 5. *And be it further enacted,* That said Commissioners shall at the first regular term of the Commissioners' Court of said county, after any sale of said lots, make a return and settlement with said Court, and report the number of lots sold, the amount of each sale, and surrender into the hands of the county treasurer, all the notes or bonds received by them, on account of the sale of said lots, taking said county treasurer's receipt, and shall pay over all moneys by them had and received, on account of said lots, after deducting the amount expended by them in the erection of a Court House and Jail, and all expenses of laying off, surveying, advertising, and selling said lots; and said Court shall allow said Commissioners, such compensation as may be thought to be reasonable, not to exceed one dollar each, for each day said Commissioners may be in actual service. Commissioners to make report of sale of lots, &c.

Sec. 6. *And be it further enacted,* That the Commissioners aforesaid, upon the sale of said lots, shall give to the purchasers a certificate of purchase, or bond, for titles, and upon the full payment of said purchase money by said purchaser, or to whom said certificate of purchase or bond for titles, is legally transferred, they shall be authorized to make, execute, and deliver a title to the same. To give bond for title, &c.

Sec. 7. *And be it further enacted,* That should any vacancy or vacancies occur in said board of Commissioners, by death, resignation, or otherwise, said vacancies shall be supplied by the remaining Commissioners. Vacancies.

Sec. 8. *And be it further enacted,* That all moneys, notes or bonds, or other security for money that may or ought to come into the county treasury, by the provisions of this act, shall be deemed a county fund, and shall be by said treasurer and his successors in office, collected, procured and disbursed, in manner directed by law for the erection of public buildings. Proceeds of sale to be deemed county fund.

Sec. 9. *And be it further enacted,* That the Commissioners appointed by or under the authority of this act, shall before they enter upon the discharge of the duties of said appointment take and subscribe the following oath, to wit: "I — do solemnly swear, that I will to the best of my ability, without fear, favor, or partiality, do and perform all things required of me by law as a Commissioner, so long as I continue to discharge the duties incumbent upon me as such,—so help me God;" which oath shall be taken before the Judge of the County Court of said county. Commissioners to take oath.

Sec. 10. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 23, 1845.

[No. 244.]

AN ACT

For the relief of Sarah Greer, of Wilcox County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, Sarah Greer, wife of Martin Greer, of Wilcox county, shall be capable in law of receiving and holding by gift, purchase, or inheritance, any property, real or personal, in the same manner, and to the same extent that a *feme sole*, may do; and the property which she may hereafter acquire by gift, inheritance, or purchase as aforesaid, shall be free from liability, for, or on account of any of the debts of her said husband: *Provided*, that the said Sarah Greer shall be wholly incompetent to contract with her said husband, in reference to any property she may hereafter acquire by deed, gift, purchase, or inheritance, in any manner whatsoever: *And provided further*, that she shall be wholly incompetent to sell and dispose of the same in any manner whatsoever during coverture, except by last will and testament.

Made free  
dealer.

Approved, January 23, 1845.

[No. 245.]

AN ACT

For the relief of Philip Phillips, Esq.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Governor be, and he is hereby authorized to pay over to Philip Phillips, Esq., the sum of five hundred dollars, in full compensation for professional services, in the suits now pending in the Counties of Mobile and Baldwin, which have been brought by virtue of the joint resolutions of the fourteenth February, eighteen hundred and forty-three, and that the Comptroller of Public Accounts draw a warrant for the same.

Approved, January 21, 1845.

[No. 246.]

## AN ACT

For the relief of Arthur Johns.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That his Excellency the Governor, be, and he is hereby authorized to pardon Arthur Johns, a convict in the Penitentiary, sentenced by the Circuit Court of Russell county, if in his opinion the circumstances under which the conviction and imprisonment was had, or if extenuating circumstances, will justify such pardon.

Approved, January 27, 1845.

[No. 247.]

## AN ACT

To compensate J. C. Rawls, Sheriff of Tallapoosa County, for certain services therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sum of thirty dollars, be, and the same is hereby allowed Joseph C. Rawls, Sheriff of Tallapoosa county, for services rendered by him in the conveyance of a certain prisoner from Tallapoosa county, to Talladega county; in obedience to a certain writ of *capias* to him directed, at the instance of the State of Alabama, and that the said sum be paid out of any moneys in the treasury not otherwise appropriated.

Compensation.

Approved, January 27, 1845.

[No. 248.]

## AN ACT

For the relief of Parker S. Beasley, of Montgomery County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of Public Accounts, be, and he is hereby authorized to issue his warrant upon the State Treasurer, for the sum of two hundred and fifty dollars, in favor of Parker S. Beasley, the same being the compensation allowed for a negro woman slave, the property of the said Parker S. Beasley, and who was executed in March, eighteen hundred and forty-three, in obedience to an order of the Circuit Court of Montgomery county.

Approved, January 27, 1845.

[No. 249.]

## AN ACT

For the relief of Bartholomew S. Skeats.

Contract  
may be re-  
scinded.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the President and Directors of the Branch of the Bank of the State of Alabama, at Mobile, be, and they are hereby required to inquire into the expediency of rescinding a contract entered into by said Bank, with Bartholomew S. Skeats, for the sale of a lot of land in the city of Mobile, on the west side of St. Joseph street, and if in their judgment said contract ought to be rescinded, then said President and Directors are hereby authorized to rescind said contract.

Approved, January 22, 1845.

[No. 250.]

## AN ACT

Explanatory of an Act approved February thirteenth, eighteen hundred and forty-three, for the relief of Adeline R. Devaux.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the words "Aunt Margaret Bradley," used in the act of which this is an explanation, shall be construed and taken "Grandmother Margaret Bradley;" any law, usage or custom to the contrary notwithstanding.

Approved, January 23d, 1845.

[No. 251.]

## AN ACT

For the relief of Elizabeth Oats, of Henry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State, be, and he is hereby authorized to issue a patent to Elizabeth Oats, for the purchase of the north-east quarter of the south-east quarter, of section sixteen, in township eight, and range twenty-eight, which land was originally sold to Wm. Crowley, and purchased at sheriff's sale by said Elizabeth Oats: *Provided,* it shall appear to the satisfaction of said Secretary, that final and complete payment has been made.

Approved, January 25, 1845.



[No. 252 ]

## AN ACT

To provide for the more permanent location of the seat of Justice, in the County of Marengo.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William M. Brooks, Colin Black, William Robinson, Arthur B. Hosea, Leland Trippe, William C. Lipscomb, Joel C. DuBose, A. R. Manning and R. V. Montague, of the County of Marengo, be, and are hereby appointed Commissioners, for the purpose, and with powers hereafter mentioned. The said Commissioners, after being sworn to faithfully perform the several duties prescribed to them by the provisions of this act, shall (after giving full and sufficient notice, at least thirty days,) cause to be opened a poll, for the purpose of ascertaining the sense of the people of said county, in relation to the removal of the seat of justice therein from the town of Linden; said poll shall be opened at each election precinct in said county, and shall be conducted (by managers appointed by said Commissioners,) in the same manner and under the same rules and regulations as are required to be observed in the election of members of the General Assembly, and said election after due notice as above required, shall be held on the first Monday in April next. All persons voting at said election, who may be in favor of said removal, shall write on their tickets, the word "Removal;" and those of a contrary opinion, shall write on their tickets, "No Removal," and all votes given at said election as well in favor of as against said removal, shall be counted out, and returned by the managers to the said Commissioners, who shall count out all the votes so given, and shall proclaim the result: *Provided*, such persons shall only be entitled to vote at said election, as are by law entitled to vote for members of the Legislature.

Commissioners—their duties, &c.

Polls to be opened.

Sec. 2: *And be it further enacted*, That if at the election to be held according to the first section of this act, a majority of votes shall be given against removal, then the seat of justice for said county shall continue at Linden, but if a majority of votes shall be given in favor of removal, then it shall be the farther duty of said Commissioners to put in nomination two or more places, as near the centre of said county as practicable, and as in their opinions the interest of the citizens of said county may require, to be voted for as the future seat of justice for said county, and it shall be the duty of said Commissioners as soon as they put said places in nomination, to order an election by the voters of said county, qualified to vote at the general election to be held by the Sheriff of said county, whose duty it shall be to advertise the same in the Marengo Patriot, and by notices posted up at the door of

Duty of Commissioners further defined.

Sheriff to advertise.

Manner of  
conducting  
election.

the Court House, and at some public place in the towns of De-mopolis, Prairieville and Dayton, at the post offices at McKinley's Shiloh, Nanafalia, Pleasant Plains, and such other places as they may deem necessary to give general and public notice of said election; after such public notice given as above required at least three weeks before said election is to take place, and said election shall be held on the first Monday in May next, at the several election precincts in said county by the Sheriff, in precisely the same manner and under the same rules and regulations as are now required to be observed in the election of members of the General Assembly, and the votes shall be counted, and the result announced in the same manner as the election for members of the Legislature, and either of the places put in nomination as above required, receiving the highest number of votes, shall be the permanent seat of justice for the County of Marengo: *Provided*, that until a sufficient Court House and jail shall be erected and provided at the place so selected, the seat of justice shall continue, and the Courts of said county be held at the town of Linden.

Court House  
and Jail to be  
erected.

Proviso.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Commissioners mentioned and appointed by the first section of this act, and they are hereby vested with full power for that purpose, as soon as practicable, after the seat of justice for said county shall be selected and located, according to the provisions of the second section of this act, to have a good and sufficient Court House and jail erected at the place selected; and they are hereby authorized to receive donations or grants, whether of land, money, or other thing, that may be made to them, and if said donations or grants be of real, or personal estate, to dispose of the same as they may deem best, for the purpose of erecting said Court House and jail: *And provided*, that in no case shall the Commissioners' Court of Revenue and Roads, have power to levy any special tax for the purpose of erecting said Court House and jail, but said buildings shall be paid for by donations or subscriptions; and the same shall be reared and completed according to the plans and specifications to be furnished by the aforesaid Commissioners, and within such time as they may prescribe.

Sec. 4. *And be it further enacted*, That a majority of the Commissioners appointed by the first section of this act, shall in all cases be sufficient to perform all or any of the duties required of them under the provisions of this act.

Approved, January 18, 1845.

[No. 253.]

## AN ACT

To legalize certain sales therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sale heretofore made, to wit : on the seventh day of January, eighteen hundred and forty, by the Commissioners of the sixteenth section, township four, and range nine, in Lowndes county, to John T. Abernathy, of the east half of the north east quarter, and the east half of the south east quarter of said sixteenth section, and the sale of the west half of the north east quarter of said sixteenth section, made to Manoah B. Hampton, on the same day; and also the sale made to William Hooks, on the same day, of the east half of the north west quarter of said sixteenth section, be, and the same are hereby legalized; and a full and perfect title shall vest in the said purchasers of the above described lands, on the payment of the purchase money, in the same manner and to the same extent as if the provisions of the general law, regulating the sale of sixteenth sections had been complied with, at the time of the sales aforesaid. Sales legalized.

Approved, 25th January, 1845.

[No. 254]

## AN ACT

For the relief of Eliza Ann Rossiter, of Wilcox County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That from and after the passage of this act, Eliza Ann Rossiter, wife of George Rossiter, of Wilcox county, shall be capable in law of receiving and holding, by gift, purchase, or inheritance, any property, real or personal, in the same manner and to the same extent that a *feme sole* may do; and the property which she may hereafter acquire, by gift, inheritance or purchase, as aforesaid, shall be free from liability for, or on account of any of the debts of her said husband: *Provided*, that she shall be at all times wholly incompetent to make any bargain and sale, or agreement with her said husband, touching any property which she may acquire by deed, gift, inheritance, or otherwise: *And provided further*, that she shall not have power to sell and dispose of any property so acquired by her in any manner, except by last will and testament. Made free dealer.

Approved, 25th January, 1845. Proviso.

[No. 255.]

## AN ACT

Authorizing the Commissioners of the Sixteenth Section, Township thirteen, Range one, West, in the Deaopolis District, to rescind a contract therein described.

Contract may  
be rescinded.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the duly elected Commissioners of the sixteenth section, in township thirteen, range one, west, in the County of Washington, be, and they are hereby authorized, if in their opinion it be expedient for the interest of the township to rescind the contract of sale, of five hundred acres of said section heretofore made to Robertus Love, now deceased: *Provided*, that the heirs at law of the said Robertus Love, assent to the same, and that said Commissioners are hereby authorized upon the rescinding of such contract, to surrender to the legal representatives of the said Love, the notes executed by him in consideration of said purchase: *Provided*, that no part of the purchase money shall be returned to the first purchasers, their administrators, executors, heirs, or assigns: *And provided further*, that a majority of all the qualified electors of said township, as well as the heirs of said Love, shall first assent, in writing, to such rescission of said contract, which writing shall be filed and recorded in the office of the Clerk of the Court of said county.

Approved, 25th January, 1845.

[No. 256.]

## AN ACT

To authorize Edward Cunningham to be and remain in the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Edward Cunningham, a colored man, being and residing in Perry County, is hereby exempt from the provisions of law requiring emancipated slaves to remove from the State and not to return therein, but that he may remain in the State of Alabama: *Provided*, that the said Edward Cunningham be confined to Perry and Marengo counties.

Approved, 22d January, 1845.

[No. 257.]

## AN ACT

To regulate the residence of the Judge of the County Court of Washington County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this law, it shall be the duty of the Judge of the County Court of Washington county, to reside within four miles of the county seat.

Approved, January 24, 1845.

[No. 258.]

## AN ACT

To compensate Logan D. Brandon, for certain services therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the sum of one hundred dollars, be, and the same is hereby appropriated to Logan D. Brandon, for moneys expended and services rendered, in pursuing and apprehending, and prosecuting to conviction, David Clarke, charged with negro stealing, to be paid out any money in the Treasury not otherwise appropriated. L.D Brandon

Approved, 25th January, 1845.

[No. 259.]

## AN ACT

To vest in Ruthey S. Brown, wife of David Brown, of Tuscaloosa County, certain rights and privileges therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for Ruthey S. Brown, of the County of Tuscaloosa, to take, receive and hold, by purchase, gift, or inheritance, any property, either real or personal, free from the hinderance, molestation or authority of her husband, David Brown, and the same to dispose of by will, gift, or sale; and that all property acquired by her from and after the passage of this act, shall in no wise be subject to the debts of her husband, and that the said Ruthey S. Brown shall possess all the rights and privileges, and be subject to all the liabilities of a *feme sole*. Ma's free dealer.

Approved, January 22, 1845.

[No. 260.]

## AN ACT

To change the time of summoning Jurors for the County of Limestone, and other Counties therein named.

Limestone.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Petit Jurors, for the Circuit and County Courts, of the County of Limestone, shall be summoned to appear on the second day of the term of their respective Courts; any law to the contrary notwithstanding.

Extended to  
Franklin,  
Lawrence  
and Marshall

Sec. 2. *And be it further enacted,* That the provisions of this act, be, and the same are hereby extended to the Counties of Franklin, Lawrence, and Marshall.

Approved, January 25, 1845.

[No. 261.]

## AN ACT

To enable John L. Townes, guardian of the minor heirs of Joseph Compton, deceased, late of the County of Franklin, to purchase lands for the use and benefit of said minor heirs.

May purchase  
lands.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John L. Townes, guardian of the minor heirs of Joseph Compton, deceased, late of Franklin county, shall be authorized to purchase for the use and benefit of said minor heirs, a tract or tracts of land: *Provided,* the said John L. Townes shall not purchase more than six hundred and forty acres of land for the use of said heirs: *And provided further,* that the said John L. Townes, guardian as aforesaid, shall not involve the said estates, of the minor heirs aforesaid, in debt by said purchase.

Shall take  
deeds.

Sec. 2. *And be it further enacted,* That the said John L. Townes, guardian as aforesaid, shall take the deeds or evidences of title to all such lands as he may purchase under the authority of this act, in the name of the minor heirs of said Compton, setting forth in said deeds the names of all the minor heirs aforesaid.

Sec. 3. *And be it further enacted,* That before the said John L. Townes shall pay out any money belonging to said minor heirs for any purchase of lands as aforesaid, he shall

first satisfy the Judge of the County Court of Franklin county, <sup>Ability of J.</sup> that the purchase so made is a suitable one, and advantageous to said minor heirs; and upon said Judge being satisfied <sup>L. Townes to satisfy Judge.</sup> that said purchase ought to be made, he shall so certify; and upon such certificate being granted by said Judge, the said Townes shall be authorized to pay for such lands out of any moneys belonging to said minor heirs.

Approved, January 23, 1845.

[No. 262.]

### AN ACT

To cancel a certain contract therein named.

WHEREAS, by reason of the insolvency of Madison Montgomery, purchaser of lot number three, in section number sixteen, in township number ten, of range number eleven, east, <sup>Preamble.</sup> in Cherokee County, has become unproductive, and a majority of the citizens being voters in said township, having voted to cancel said purchase, and the said Montgomery having assented thereto: Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said purchase so made by the said Montgomery, be, and the same is hereby cancelled, and the <sup>Contract may be cancelled.</sup> President of the Bank of the State of Alabama is hereby authorized to cancel the notes given by said Montgomery for the purchase of the said lot, in said Bank deposited, and to return the same to the Commissioners of said township, or to the said Montgomery; any law to the contrary notwithstanding.

Approved, January 25, 1845.

[No. 263.]

### AN ACT

To divide the forty-eighth Regiment, Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the forty-eighth regiment of the Alabama <sup>48th Regiment divided, and how.</sup> Militia, in the County of Mobile, shall be divided into three Regiments, in the following manner, viz :

All that part of the City of Mobile, lying west of Franklin street, to form the forty-eighth Regiment: <sup>48th Reg.</sup>

**94th Reg.** All that part of the City of Mobile, lying north of Dauphin street and east of Franklin street, to compose the ninety-fourth Regiment:

**95th Reg.** And all that part of the City of Mobile, south of Dauphin street and east of Franklin street, to constitute the ninety-fifth Regiment:

And that the two new Regiments hereby created, shall be attached to the ninth Brigade and fourth Division of Alabama Militia, and shall be organized as it is now provided by law.

**Duty of Brig. General.** Sec. 2. *And be it further enacted*, That it shall be the duty of the Brigadier General of the ninth Brigade, fourth Division, of the Militia of this State, to detail a Brigade Court Martial, to convene in the city of Mobile, within sixty days after the passage of this act, and that the said Court Martial is hereby required to divide the said forty-eighth Regiment in manner and form, as in this act above specified.

Approved, January 21, 1845.

[No. 264.]

## AN ACT

For the relief of certain purchasers of Sixteenth Section lands, and for other purposes.

**Commissioners authorized to rescind contract.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners of the sixteenth section, in township nineteen, range twenty-seven, in Russell County, are hereby authorized to rescind a certain contract made and entered into by James Bennett, for the purchase of the south half of said sixteenth section: *Provided*, two thirds of the qualified voters of said township give their consent to the same.

**Bank to give up notes.** Sec. 2. *And be it further enacted*, That the Branch Bank at Montgomery, is hereby authorized and required, to deliver to the said James Bennett his notes given for the purchase money of said sixteenth section, whenever the said Commissioners shall certify that the contract aforesaid has been rescinded: *Provided*, the said Commissioners shall not pay back to said purchaser, any money that may have been heretofore paid.

**Provisions extended to Saml Butler.** Sec. 3. *And be it further enacted*, That the provisions of this act shall be extended to Samuel Butler, purchaser of the east half of the south west quarter of section sixteen, in township twenty, range twenty-three, in Tallapoosa county: *Provided*, that the said contracts shall not be rescinded, without the consent of the obligors thereto.



Sec. 4. *And be it further enacted*, That the Commissioners of the sixteenth section, in township fifteen, and range nine, in Dallas county, be, and the same are hereby authorized to reinvest the fund due said township, in lands or in State bonds, as they may think proper: *Provided*, a majority of the voters of said township approve the same.

Approved, January 27, 1845.

[No. 265.]

## AN ACT

To provide for the payment of Jurors in certain Counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, upon all judgments rendered either in the Circuit or County Courts of the counties of Conecuh, Blount and De Kalb, either by confession, default, *nil decit*, or upon demurrer, or upon litigation, in the Courts aforesaid in said counties; the party or parties in whose favor said judgment or judgments may be rendered by either of the Courts aforesaid, shall pay to the Sheriff of said counties, the sum of two dollars, jury tax fee, for each judgment so rendered as aforesaid; and it shall be the duty of the Clerks of the Circuit and County Courts of said counties, to issue execution against the party or parties, herein required to pay the aforesaid jury tax fees, whenever the Sheriff shall make known to the clerks of said courts that he is required to enforce the payment of the same.

Sec. 2. *And be it further enacted*, That in all convictions for assaults or assaults and batteries, affrays, failing to work on roads, card playing, retailing without license, including all manner of offences against the criminal law of the State of Alabama, the party or parties so convicted in the Circuit Courts of said counties aforesaid, shall pay to the Sheriff each, the sum of two dollars jury tax fee, and upon conviction on indictment for any higher grade of offence against the law than already mentioned in this act, the party or parties thus convicted, shall each pay to the Sheriff the sum of three dollars jury tax fee; and it shall be the duty of the clerks of the Circuit Courts to issue execution against the party or parties incurring the fees, under this act, for the collection of the same.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Sheriff of said counties, to collect and pay over to the county treasurer of said counties at each succeeding term of

the Courts, at which any of the aforesaid tax fees may have accrued, all of said fees arising under the operations of this act, and upon failure to perform all the duties by this act required, he shall be liable to any of the motions now allowed by law against Sheriffs at the instance of the treasurer of said counties.

**Duty of Co. Treasurer.**  
**Proviso.**  
Sec. 4. *And be it further enacted*, That it shall be the duty of the county treasurer of said counties to appropriate the moneys arising under this act to the payment of jurors of said counties: *Provided, nevertheless*, that if the fees herein provided be not sufficient to pay the jurors of said county for their services at the respective courts; so much thereof as is not discharged, shall remain a county charge, as is now provided by law: *And provided further*, that if the fees under this act, shall at any time exceed the amount necessary to compensate the jurors aforesaid, it shall be appropriated to county purposes; any law to the contrary notwithstanding.

Approved, January 18, 1845.

[No. 266.]

## AN ACT

To define the compensation of Jurors and Witnesses in the County of Chambers, and for other purposes.

**Compensation to Witnesses.**  
Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, all witnesses summoned to attend in any cause pending in either the Circuit or County Courts of the County of Chambers, shall receive as a compensation for their services, the sum of one dollar per day, for attendance as witnesses, and mileage at the rate of four cents per mile, going to and returning from Court, to be taxed in the usual form of law.

**Of Jurors.**  
Sec. 2. *And be it further enacted*, That all grand jurors and petit jurors, summoned to attend either of said Courts, shall receive for their services at the rate of one dollar per day, and four cents per mile, going to and returning from Court; to be paid as heretofore provided by law.

**Clerks shall make reversed indexes.**  
**Compensation.**  
Sec. 3. *And be it further enacted*, That the clerks of the Circuit and County Courts, for the county aforesaid, shall make out complete reversed indexes, of all causes which may have been heretofore disposed of in their respective Courts, or which may be hereafter disposed of; and shall receive such compensation for said services out of the county treasury as

may be allowed by the Court of Commissioners of Roads and Revenue: *Provided*, that in no event shall said clerks receive <sup>Proviso.</sup> any compensation for making out said reversed indexes of any causes hereafter to be disposed of.

Sec. 4. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 17, 1845.

[No. 267.]

### AN ACT

For the relief of Aquilla Jones, of the County of Blount.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* convened, That Aquilla Jones, of the County of Blount, in said State, be, and he is hereby released and discharged from all liability on a judgment rendered at the September term, eighteen hundred and forty-three, at the Circuit Court of Tuscaloosa county, in favor of Benjamin Fitzpatrick, Governor of the State of Alabama, against the said Jones, for the sum of fifty dollars on his bond as tax collector for the County of Blount, for the year eighteen hundred and forty-three, and that the Governor be, and he is hereby required to have an entry made, conformably to this act, upon the records of said Circuit Court.

Approved, 23d January, 1845.

[No. 268.]

### AN ACT

For the relief of Mary J. Kellum.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly* convened, That the Commissioners of township four, range six, in the County of Lawrence, be, and they are hereby required to settle with Mary J. Kellum, in the same manner, and by the same rules, as if she had been employed by them, and to pay over to her, whatever sums may be due her, for teaching school in said township previous to the passage of this act, out of any funds belonging to said township.

Approved, January 25, 1845.

[No. 269.]

## AN ACT

To permit the Captain's Company in Beat number four, eighteenth regiment of Alabama Militia, to remain a Company with a less number than forty privates.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, that the Captain's Company, in Beat number four, eighteenth regiment of Alabama militia, for the County of Tuscaloosa, be, and the same is hereby permitted to remain a company with a less number than forty privates; any law to the contrary notwithstanding.

Approved, January 21, 1845.

[No. 270.]

## AN ACT

To change the number of the regiment of Alabama Militia, in the County of Coffee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the regiment of Alabama Militia heretofore established in the County of Coffee, and numbered ninety, shall be hereafter known as the ninety-third regiment of Alabama Militia, and that all officers now in commission in said regiment, as heretofore known and numbered, shall hold and retain their rank in said regiment as now numbered by this act, the same as if said regiment had been originally numbered ninety-three, or as if the number of the same had not been changed.

Approved, January 25, 1845.

[No. 271.]

## AN ACT

For the better organization of so much of the Fourth Division, A. M. as lies within the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, there shall take place annually within the bounds of the city of Mobile, whether of militia or volunteers, at such time and

90th Regi.  
changed to  
93d.

place as the commandant of the proper division shall order, a training and review of all the troops and companies attached to such division within said city; which training and review shall be attended by all commissioned and non-commissioned officers of the line and field having command within said corporate limits; twenty days notice of which shall be given in writing to the commandant of the brigade, and the commandant of the first volunteer regiment; fifteen days notice by the commandant of the brigade to the commandants of regiments; thirteen days notice by them (and by the commandant of the first volunteer regiment) to the commandants of battalions; ten days notice by them to the commandants of troops and companies, and by them to other officers, musicians and privates; seven days notice by advertisement through a newspaper, or in writing, to be stuck up at the usual muster ground, and at three principal public places within the bounds of the company.

Organization  
of the 4th  
Division, AM

Approved, January 25th, 1845.

[No. 272.]

## AN ACT

To change the mode of assessing Taxes in certain Counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the Tax Collectors of the Counties of Monroe, Conecuh, Covington, Benton, Randolph, Baldwin, Blount, Lowndes, Bibb, De Kalb, Marshall, Lawrence, Henry, St. Clair, Dale, Coffee, Walker, Tuscaloosa, Dallas and Wilcox, to assess the taxes of said counties, and to do and perform all the duties of assessor, under the same rules, restrictions and regulations, now imposed on assessors by law.

Tax Collector  
to assess tax.

Sec. 2. *And be it further enacted,* That the collectors aforesaid, shall assess the taxes of their respective counties, by beats, observing to keep separate, in said assessments, the names of the tax payers, and their taxable property, and after the said collectors aforesaid, shall have completed the assessment of their respective county, as in this section directed, it is hereby further made the duty of said tax collectors, on or before the first day of August, in each and every year, to post up at the muster ground, in each captain's beat, in their respective counties, a list of the names of the tax payers in said beat, together with their taxable property, and the amount of taxes due from each separately as assessed.

Duty of such  
Assessors  
and Collec-  
tors.

Penalty.

Sec. 3. *And be it further enacted*, That the collectors aforesaid, failing to perform the duties herein required, shall forfeit and pay the sum of five hundred dollars, to be recovered before any Court having jurisdiction thereof; one half to the informer, and the other half to the use of the State; any law to the contrary notwithstanding.

Approved, January 27, 1845.

[No. 273.]

## AN ACT

For the support of Paupers, in the County of Randolph.

Commissioners may purchase land.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Judge of the County Court and Commissioners of Roads and Revenue, for the County of Randolph, be, and they are hereby authorized to purchase and receive title to any quantity of land, not exceeding one quarter of a section, within three miles of the Town of Wedowee, in said County; which titles shall be made to the Judge of the County Court of said County of Randolph, and his successors in office, and shall vest in, and be the property of said County.

May contract for buildings.

Sec. 2. *And be it further enacted*, That said Judge and Commissioners, be, and they are hereby authorized to contract for the building of all necessary houses and improvements on said tract of land, for the purposes herein mentioned, and shall have power to make all such by-laws, rules and regulations, as shall seem to them to be necessary and proper, concerning the land, buildings or comfort of the poor, (having due regard to economy and the beneficial management of the establishment:) *Provided*, they be not repugnant to the laws of this State.

May employ superintendant.

Sec. 3. *And be it further enacted*, That said Judge and Commissioners, be, and they are hereby authorized to employ a superintendant, and such other assistants and nurses as they shall deem expedient, to superintend and take care of the poor of said County, and to appropriate and pay out of the County Treasury, a sum of money sufficient to carry this act into effect.

Meetings of Commissioners.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Judge of County Court, and Commissioners of Revenue and Roads, to meet at the poor house of said County, at least once in every three months, or oftener if necessary, to examine the condition of the buildings and appurtenances, and to supervise the situation and treatment of the poor; and shall have power to dismiss the superintendant, or any other person connected in any wise with the poor house, whenever they may think it proper and expedient.

Sec. 5. *And be it further enacted,* That it shall be the duty of said Judge and Commissioners, to appoint at least one discreet person, in each captain's beat, to act as overseer of the poor, whose duty it shall be to report to each regular term of said Court, or to the Judge in vacation, (whose action therein shall expire at the first regular term thereafter,) what person or persons are within their respective beats, who are properly the subjects of charity and public support, and said Court shall inquire into the facts of the case of each one reported, and if deemed expedient, said Court or Judge as above provided, and restricted, shall order them to be conveyed to the poor house in such way and manner as they may see proper, and said overseer shall continue in office one year, and said Court shall at each regular term (or the Judge may if necessary, during the intermediate time, but subject to the revision of said Court at the next regular term,) fill all vacancies occasioned in any wise.

Overseers to be appointed, and their duties.

Sec. 6. *And be it further enacted,* That before the superintendant shall enter upon the discharge of his duties, he shall enter into bond with at least two good securities, in such penalty as said Court shall require, to be approved by the Judge of the County Court, which bond shall be made payable to the Judge of the County Court and his successors in office, conditioned for the faithful performance of the duties of his office, and said bond shall not be void upon the first recovery, but may be sued on and a recovery had, as often as the conditions of said bond have been violated.

To give bond.

Sec. 7. *And be it further enacted,* That it shall be the duty of the Clerk of the County Court of said County, to keep in a book kept exclusively for that purpose a regular and continued record, of all orders, rules and regulations, together with every thing properly a matter of record, connected with the poor house of said County.

Book of record to be kept.

Sec. 8. *And be it further enacted,* That it shall be the duty of the Judge of the County Court of said County, and Commissioners of Roads and Revenue, to appropriate in each and every year a sufficient amount out of the County levy, to carry this act into effect: *Provided,* the same shall not exceed three hundred dollars in any one year, after the first.

Duty of Court.

Sec. 9. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 18th January, 1845.

[No. 274.]

## AN ACT

To revive and continue in force, an act therein named.

**Act revived.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act approved December twenty-second, eighteen hundred and twenty-seven, entitled "an Act to authorize the people of the County of Bibb, to fix a permanent seat of justice in said County, and for other purposes," be, and the same is hereby revived and continued.

**Duty of Commissioners.** Sec. 2. *And be it further enacted,* That the said Commissioners of the permanent seat of justice of Bibb County, be, and they are hereby authorized to continue to lease the Ferry established by the Commissioners Court of Roads and Revenue of said County, under the provisions of the said act, and to use and apply the proceeds of the same under the directions of said Court, for the benefit of said County; and to loan any moneys belonging to said County arising from the leasing of said Ferry, upon the borrower giving bond and security, to be by them approved.

**Shall elect Treasurer, who shall give bond.** Sec. 3. *And be it further enacted,* That said Commissioners shall elect one from their own body, to act as Treasurer, who shall give bond with good security, in the sum of one thousand dollars, payable to the Judge of the County Court of said County, and his successors in office, whose duty it shall be to collect all sums due the said Commissioners, under the provisions of this act, and the act to which this is supplementary, and to pay out the same upon their order.

**Ferry continued.** Sec. 4. *And be it further enacted,* That the Ferry established by virtue of the act hereby revived, be, and the same is hereby continued for the benefit of said County, and under the control and management of said Commissioners.

**Duty of Treasurer.** Sec. 5. *And be it further enacted,* That the said Treasurer shall submit a statement in writing to the Commissioners Court of Roads and Revenue, at their first sitting in each and every year, showing the receipts and disbursements of the moneys which he may have collected, and paid out as Treasurer aforesaid, which shall be examined by said Court, and if found to be correct, entered of record by the Clerk of the County Court of said County.

Sec. 6. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed; and this act shall continue in force until repealed by the Legislature.

Approved, January 25, 1845.



[No. 275.]

## AN ACT

For the relief of Moses W. Simmons, of Talladega County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Cashier of the Branch Bank of the State of Alabama, at Montgomery, be, and he is hereby required, to deliver up to Moses W. Simmons, of the County of Talladega, the note or notes or other evidence of debt, given by him and others, for the purchase of the east half of the north-west quarter, and the west half of the south west quarter, and the east half of the south west quarter, and the west half of the north east quarter of section sixteen, township twenty-one, of range six, in Talladega County: *Provided*, that the said Moses W. Simmons, or his agent shall produce to the said Cashier the certificate of the said Commissioners for said township, certifying that a majority of the citizens of said township are willing to rescind the contract of purchase of said lands, herein set forth: *Provided*, the said Bank shall not be bound to refund any moneys which may have been paid on said contract: *And provided*, that the obligors to said contract to the Bank, consents to a rescission thereof.

Made free  
trader.

Provide.

Approved, January 27, 1845.

[No. 276]

## AN ACT

For the relief of Elizabeth A. Lee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Elizabeth A. Lee, wife of Tobias Lee, be, and she is hereby authorized to have and hold by gift, purchase or inheritance, any property, real or personal, free from the hinderance, molestation or authority of her said husband, Tobias Lee, and may perform all acts which *a feme sole*, may of right do and perform. She may dispose by will, gift, or sale of all or any part of property thus acquired by her, from and after the passage of this act, and the same shall in no wise be subject to the debts, liabilities, or contracts of her said husband, but she may sue and be sued in her own name, and shall be subject to all the liabilities of a *feme sole* as aforesaid: *Provided*, that any transfer of property, whether by gift, purchase or through the intervention of trustees between the husband and wife, shall be invalid and of no effect.

Made free  
dealer.

Approved, 27th January, 1845.

[No. 277.]

## AN ACT

To regulate the pay of Petit Jurors, in Henry, Dale, Randolph, Coffee and Covington Counties.

Tax upon  
each judgment  
to pay jurors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, that in all cases of judgment being rendered by the verdict of a Petit Jury, in either the Circuit or County Courts of the Counties of Henry, Dale, Randolph, Coffee and Covington, the successful party shall on the rendition of the same, pay over into the hands of the proper Clerks of said Courts the sum of three dollars, to be by them taxed in the bill of costs as provided in other cases.

Upon such  
judgment by  
Judge.

Sec. 2. *And be it further enacted,* That in all cases when judgment is rendered by the presiding Judge of the Circuit or County Courts, of Henry, Dale, Randolph, Coffee and Covington, the successful party shall pay over into the hands of the proper Clerk of said Court, the sum of two dollars, to be by them taxed in the bill of costs as now provided by law.

Upon prosecution.

Sec. 3. *And be it further enacted,* That in all cases hereafter of prosecution by indictment, in the Circuit Courts of the Counties of Henry, Dale, Randolph, Coffee and Covington, if the party prosecuted, and found guilty, by the verdict of a jury, it shall be the duty of the proper Court to tax in the bill of costs, the sum of two dollars in addition to the amount now provided by law in such cases.

Moneys shall  
be paid over.

Sec. 4. *And be it further enacted,* That all moneys arising from the first and second sections of this act, shall be paid over by the proper Clerk of the Counties of Henry, Dale, Randolph, Coffee and Covington, into the hands of the County Treasurer of the proper County, within thirty days after the adjournment of each term of the Court.

Moneys shall  
be paid over  
by Clerks.

Sec. 5. *And be it further enacted,* That all moneys arising from the provisions of the third section of this act, shall be in like manner paid over by the proper Clerks, within thirty days after collection, into the hands of the proper County Treasurer.

Duty of County  
Treasurer.

Sec. 6. *And be it further enacted,* That all moneys arising under the provisions of this act, shall be kept by said County Treasurer, of the proper County, and paid over as compensation on the presentation of the certificate of the Clerk of the proper Court, certifying the number of days each individual may have served as a Petit juror, in a rateable proportion for services rendered within ten days after the presentation of said certificate and the reception of the moneys from said Clerks; which sums shall be as full compensation for all services rendered by said Petit Juror.

Sec. 7. *And be it further enacted*, That if any Clerk or County treasurer, of the aforesaid counties of Henry, Dale, Randolph, Coffee and Covington, shall fail to comply with the foregoing provisions of this act, they shall be fined in a sum not less than three, nor more than five hundred dollars, at the discretion of the proper Judge of either the Circuit or County Courts, where such failure may happen; one half of the amount of such fine to the use of the informer, and the remaining half to be paid into the County Treasury, for the use of said County.

Penalty on  
Clerk and  
Treasurer for  
neglect.

Sec. 8. *And be it further enacted*, That the Judges of the Circuit and County Courts, in the Counties aforesaid, shall, before they give judgment in their respective Courts, either by default or *nil dici*, or suffer verdicts to be received, be satisfied that the foregoing provisions are complied with.

Duty of  
Judges.

Sec. 9. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 27, 1845.

[No. 278.]

## AN ACT

For the relief of Sarah Blankenship, of Marshall, Mary Ann Armstrong, of Montgomery, and Abeline Smith, of Dale Counties, and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for Sarah Blankenship, of Marshall County, to take, receive, and hold, by purchase, gift, or otherwise, any property, either real or personal, free from the hinderance, molestation or authority, of her husband Edmund Blankenship, and the same to dispose of, by will, gift, or sale; and that all property acquired by her, from and after the passage of this act, shall in no wise be subject to the debts of her said husband; and that the said Sarah Blankenship, shall possess all the right of a *feme sole*.

Sarah Blank-  
enship made  
free dealer.

Sec. 2. *And be it further enacted*, That Mary Ann Armstrong, wife of Gabriel Armstrong, of the County of Montgomery, be, and she is hereby constituted a *feme sole* trader, according to the custom of London.

M. A. Arm-  
strong.

Sec. 3. *And be it further enacted*, That from and after the passage of this act, it shall, and may be lawful, for the said Mary Ann Armstrong, to sue and be sued in her own proper name, without using the name of her said husband, the same as if she

was sole and unmarried: *Provided*, that said Mary Ann and Gabriel, be incapable of contracting with each other, either in law or equity, through the intervention of trustees or otherwise.

Abeline  
Smith.

Sec. 4. *And be it further enacted*, That Abeline Smith, wife of Stephen Smith, of Dale County, be, and she is hereby authorized to have, hold, and enjoy property hereafter given to, or acquired by her, as a *feme sole* for her own separate use and benefit, whether the same be real or personal, over which her husband shall have no control nor interest, nor shall such property, whether acquired by descent, purchase; gift of otherwise, by the said Abeline, be in any manner liable to the debts of her said husband Stephen Smith.

Proviso.

Sec. 5. *And be it further enacted*, That the said Abeline Smith, shall sue and be sued, in respect to said property, as a *feme sole*, and all contracts hereafter entered into by her, shall be considered valid and binding on her, notwithstanding her coverture; but said contracts shall not bind her husband, nor shall he be liable to be sued thereon: *Provided however*, that the said Abeline Smith, and said Stephen Smith, shall be incapable in law, to contract with each other, either by the intervention of trustees or otherwise; any law, usage, or custom to the contrary notwithstanding.

E. A. Lee.

Sec. 6. *And be it further enacted*, That Elizabeth A. Lee, wife of Tobias Lee, of Dale County, and Mary Harden, wife of John Harden of Dale County, be, and they are hereby constituted *feme sole* traders, according to the custom of London.

Proviso.

Sec. 7. *And be it further enacted*, That the said Elizabeth A. Lee, and Mary Harden, shall and may sue and be sued, in their proper names, without naming their said husbands; any law, usage or custom to the contrary notwithstanding: *Provided*, that the said Tobias, and Elizabeth, and the said John, and Mary, shall be incapable of contracting with each other, in law or in equity, through the intervention of trustees or otherwise.

Approved, 27th January, 1845.

[No. 279.]

## AN ACT

To establish an additional beat in the County of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an additional Militia Company, be, and the same is hereby established in the county of Montgomery; commencing at the north-west corner of section number four, in township number thirteen, of range twenty; thence west to the

north-west corner of township number thirteen, in range number nineteen; thence south, to the south-west corner of section number six, in township number twelve, of range number nineteen; thence east to the south-east corner of section five, in township number twelve, of range number twenty.

Sec. 2. *And be it further enacted*, That the citizens residing within the limits of the Beat aforesaid, liable to perform Militia duty, shall have full power and authority to elect officers, who when so elected, commissioned and sworn, shall be subject to the laws now in force, which apply to the duties of Militia officers.

Sec. 3. *And be it further enacted*, That all laws coming within the meaning and purview of this act, be and the same are hereby repealed.

Approved, January 25, 1845.

[No. 280 ]

## AN ACT

For the relief of the purchasers of a certain Sixteenth Section, in the County of Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the contract made by Levi L. Daniel and John W. Daniel, and the School Commissioners of section sixteen, in township thirteen, and range twenty-eight, in the County of Barbour, for the purchase of said sixteenth section, in said township, and range, be, and the same is hereby rescinded and annulled, and the notes executed by said parties above mentioned, are hereby declared null and void. Contract may be rescinded.

Sec. 2. *And be it further enacted*, That the Bank holding said notes on deposit, are hereby authorized and required to deliver to the parties entitled to receive them under the provisions of this act.

Sec. 3. *And be it further enacted*, That upon the delivery of said notes to the payors or their order, all the rents, rights and profits, and title to the said sixteenth section, shall revert and belong to the inhabitants of said Township in as full, perfect and complete a manner as if no sale thereof had ever been made: *Provided*, that two thirds of the qualified voters of said Township, as well as the purchasers thereof shall consent to the same.

Approved, January 27, 1845.

[No. 281.]

## AN ACT

For the relief of Ann D. Irby, of Lowndes County, and for other purposes.

Made free  
dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Ann D. Irby, wife of James Irby, of Lowndes County, be, and she is hereby authorized to have, hold, and enjoy property hereafter acquired by her, as a *feme sole*, for her own separate use and benefit, whether the same be real, or personal, and over which her husband shall have no interest or control; nor shall such property whether acquired by descent, purchase, gift, or otherwise, by the said Ann D. Irby, be in any manner liable to the debts of her said husband.

Proviso.

Sec. 2. *And be it further enacted,* That the said Ann D. Irby shall sue and be sued, in respect to said property, as a *feme sole*; and all contracts hereafter entered into by her shall be considered valid and binding on her, notwithstanding her coverture, but the said contracts shall not bind her husband, nor shall he be liable to be sued thereon: *Provided however,* that the said Ann D. Irby, and the said James Irby, shall be incapable in law of contracting with each other, either by the intervention of trustees or otherwise,

Extended to  
Catharine  
Hoot and  
Jane Smith.

Sec. 3. *And be it further enacted,* That the provisions of this act, shall extend to Catherine Hoot, wife of Jacob Hoot, of the County of Dallas; also Jane Smith, wife of Dr. Neil Smith, of Clarke County.

Approved, January 27, 1845.

[No. 282.]

## AN ACT

To divide the County of Walker into Two Regiments.

43d Reg.  
95th Reg.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the County of Walker, be, and is hereby divided into two regiments, and that the lines dividing the two battalions as now existing, in said County, shall be the lines dividing the two regiments; and the first battalion shall constitute the forty third regiment; and the second battalion shall be known as the ninety fifth regiment, Alabama militia.

Sec. 2. *And be it further enacted*, That the commandants of the above regiments, be required to order a court martial, previous to any muster, to lay their respective regiments off into battalions and beats, and that they may lay off beats without regard to the number of persons liable to do military duty; any law to the contrary notwithstanding.

Approved, January 25, 1845.

[No. 283.]

### AN ACT

For the relief of Mary W. Martin, of Limestone County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Mary W. Martin, wife of Melvin D. Martin, of the County of Limestone, shall be capable in law of purchasing, to her use, and to the use of the heirs of her body, property of any nature and description, with the proceeds of the labor, industry and economy of her the said Mary W. Martin, and all such property shall be exempt from the debts heretofore or hereafter to be contracted by her said husband: *Provided*, such property so purchased as aforesaid, shall always be liable to the debts, contracts and liabilities of the said Mary W. Martin. Made free dealer.   
 Provide.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 27, 1845.

[No. 284.]

### AN ACT

For the relief of Laura Slade.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Laura Slade, wife of Edwin Slade, of Tuscaloosa county, shall be capable in law of taking and holding, by purchase, gift or inheritance, any property, real or personal, in the same manner and to the same extent that a *feme sole*, may do; and the property hereafter to be obtained, shall be free from the liabilities of her said husband. Made free dealer.

Sec. 2. *And be it further enacted*, That the said Laura Slade, may, and shall be allowed to hold, in like manner, free from the debts of her said husband aforesaid, all and any property which she may accumulate hereafter by her own care and industry.

Approved, 27th January, 1845.

[No. 285.]

# AN ACT

To compensate Benjamin A. Philpott, of Morgan County, for certain services.

Compensation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Benjamin A. Philpott, Sheriff of Morgan county, be, and he is hereby allowed the sum of ten dollars and fifty cents, for attending the trial and investigation had upon a writ of *habeas corpus*, in the case of the State against Thomas Hart and Joseph Hart, charged with the murder of James B. Wilhite, before the Hon. George W. Lane, in the Town of Huntsville, and for bearing his own, and the expenses of Daniel Gandy, Richard C. Mason, William P. Terry and Benjamin Boteler, as a guard.

Sec. 2. *And be it further enacted*, That the Comptroller of Public Accounts, be, and he is hereby authorized to draw his warrant on the Treasury, in favor of the said Benjamin A. Philpott, for the sum herein appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, 23d January, 1845.

[No. 286.]

# AN ACT

For the relief Sally Clopton and Maria Kinkle.

Made free dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Sally Clopton, the wife of Allford Clopton, of the County of Macon, and State aforesaid, shall be capable in law, of taking and holding by purchase, gift, or inheritance, any property, real or personal, in the same manner and to the same extent that a *feme sole* may do; and the property so hereafter to be obtained shall be free from all liabilities, on account of the debts of her said husband.



Sec. 2. *And be it further enacted*, That after the passage of this act, the said Sally Clopton and her husband, shall be incapable of contracting with each other, either at law or in equity, through the intervention of trustees or otherwise.

Sec. 3. *And be it further enacted*, That from and after the passage of this act, Maria Kinkle, the wife of John Kinkle, of Huntsville, shall be capable in law of taking and holding, by purchase, gift or inheritance, any property, real or personal, in the same manner, and to the same extent that a *feme sole* may do; and that the property so hereafter to be obtained, or obtained by her personal industry, shall be free from all liabilities on account of the debts of her said husband. Made free dealer.

Sec. 4. *And be it further enacted*, That the said Maria and her husband, shall be incapable of contracting with each other, either at law or in equity, through the intervention of trustees or otherwise.

Approved, 23rd January, 1845.

[No. 297 ]

## AN ACT

For the relief of Edmund B. Cody.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the County Treasurer for the County of Marion, be, and he is hereby authorized and required to receive and audit the jury certificates, to the amount of sixty-seven dollars and eight cents, taken in the payment of taxes by Edmund B. Cody, Tax Collector for said county, collecting taxes under the special law for one thousand eight hundred and forty-three, authorizing the Commissioners of Roads and Revenue to levy an additional tax of one hundred per cent. upon the State tax, for the purpose of building a jail in said county, which said jury certificates were received by said Tax Collector in part of said special tax. Jury certificates to be received by Treasurer.

Sec. 2. *And be it further enacted*, That the said Treasurer, be, and he is hereby authorized and required, to pay over to the said Edmund B. Cody, out of any money remaining on hand of the aforesaid special jail fund the full amount of such jury certificates, if upon a full settlement, the same may appear to be due; any law to the contrary notwithstanding.

Approved, January 25, 1845.

[No. 283.]

## AN ACT

Authorizing the Judge of the County Court of Jackson County, and Commissioners of Roads and Revenue, to perform certain duties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the Judge of the County Court of Jackson county, and the Commissioners of

Duty of Judge  
of Co. Court  
and Com. of  
Ro. and Rev.

Roads and Revenue, on the first Monday of December, in each and every year, to receive at the Court House, in Bellefonte, sealed proposals for taking charge of the poor house, and keeping the paupers of said county; that previous to receiving said proposals, it shall be the duty of the Judge of the County Court of said county, to give at least thirty days notice, by written advertisement, at the Court House door of such letting; and it shall be the duty of the Judge and Commissioners aforesaid, to give in charge and keeping, the paupers of said county, to a respectable person putting in the lowest bid: *Provided*, said person shall first execute bond with security, to be approved of by the Judge of the County Court, made payable to said Judge and his successors in office, in such sum as he may require, conditioned for the faithful performance of his duty as keeper of the poor, in the treating of them with tenderness and humanity, and furnishing them with a sufficient quantity of sound nourishing food, and clothing suitable to the season, and providing for them proper nursing and medicines when sick.

Proviso.

Sec. 2. *And be it further enacted*, That it shall be the duty of at least one of the Commissioners, or the Judge of the County Court, to visit the Poor House once in every three months, to see that the paupers are treated according to the condition of the bond required to be executed in the first section of this act; and should said bond not be complied with, said Commissioners or Judge thus inspecting, shall forthwith call together the rest of the Commissioners, and they, or a majority of them with the Judge of the County Court, shall reinspect said Poor House, and upon being satisfied of the truth of the information given them, they shall declare the bond forfeited, and proceed to let out said Poor House in the manner pointed out in the first section of this act, and said undertaker thus forfeiting his bond, shall be allowed no compensation whatever, for his services rendered, and shall be subject to be proceeded against on said forfeited bond before any Court having jurisdiction of the same; and all laws or parts of laws contravening the provisions of this act, are hereby repealed.

Poor House  
shall be visit-  
ed quarterly.

Approved, January 25, 1845.

[No. 289.]

## AN ACT

To authorize a sale of a portion of Lafayette street, in the Town of Lafayette, in Chambers County.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners of Roads and Revenue for Chambers county, or a majority of them, are hereby authorized to sell in such manner, and on such terms as they may deem most advisable, all that part or portion of Lafayette street, in the town of Lafayette, in Chambers county, which extends from Columbus street, in the plan of said town, to the eastern boundary of the same; and said Commissioners. or a majority of them, are hereby fully authorized to execute to the purchasers thereof, proper conveyances for the same. Commissioners authorized to sell portion of street, &c.

Sec. 2. *And be it further enacted*, That said Commissioners are hereby required to pay into the county treasury, the proceeds of said sale, as is contemplated in the first section of this act, after deducting therefrom all necessary expenses for survey and title deeds.

Approved, January 25, 1845.

[No. 290.]

## AN ACT

To consolidate the offices of Circuit and County Clerk in Covington County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That one person may hold the office of Circuit Clerk and County Clerk, for the County of Covington: *Provided*, that the person to be elected at the next general election for Circuit Clerk, shall hold both offices when a vacancy occurs in the office of County Clerk. Offices consolidated.

Sec. 2. *And be it further enacted*, That so soon as one person shall hold both offices by election, that the two offices shall thereafter in all elections and appointments, be held by one person, who shall be elected and qualified in the manner now prescribed by law: *Provided*, that one bond may be given for the discharge of the duties of both offices.

Sec. 3. *And be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, January 24, 1845.

[No. 291.]

AN ACT

For the relief of Martha Coleman and Mary Davis.

Made free  
dealers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Martha Coleman, wife of George B. Coleman, and Mary Davis, wife of Daniel D. Davis, of Macon county, be, and they are hereby endowed with all the rights and privileges and all the liabilities of a *feme sole*; and they are hereby enabled to take, receive, and hold by purchase, gift, or inheritance, any property either real or personal, free from hindrance, molestation, or authority of their said husbands, George B. Coleman, and Daniel D. Davis, and the same to dispose of by gift, will, or sale, and that all property acquired by them hereafter, shall in no wise, either in law or equity, be subject to the debts of their said husbands.

Sec. 2. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 27th January, 1845.

[No. 292.]

AN ACT

For the relief of Mrs. Mahulda Childress.

Made free  
dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That henceforth Mrs. Mahulda Childress, shall be authorized to contract, to sue, and be sued, as a *feme sole*, and as such to acquire property, real and personal, which shall not be liable in any manner to the debts of her husband, Wm. S. Childress, nor liable to his control; and all the property she may hereafter acquire, either by descent, devise, distribution, or otherwise, shall in no wise be liable to her husband's debts, nor subject to his control.

Sec. 2. *And be it further enacted*, That the said Mrs. Mahulda Childress shall henceforth be incapable of contracting either at law or in equity with her said husband.

Approved, January 25th 1845.

[No. 293.]

## AN ACT

To authorize the Commissioners of Roads and Revenue in the County of Henry, to raise a Revenue in said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Court of Roads and Revenue in the County of Henry, be, and they are hereby authorized to levy a tax not exceeding one hundred per centum upon the State Tax for county purposes. May levy tax.

Sec. 2. *And be it further enacted,* That the tax collector in said county, be required to receive in payment of the tax to be levied under the provisions of this act, all legal claims or demands against said county, as far as the same may go; any law to the contrary notwithstanding. What received in payment of tax.

Approved, 6th January, 1845.

[No. 294.]

## AN ACT

To authorize the Sheriff of Marion County to collect Tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the expiration of the term of office of the present Tax Collector of Marion county, the Sheriff of said county, be, and he is hereby authorized and required to collect the tax for the State and county, in the said County of Marion, under the same restrictions, penalties and liabilities, as are now or may hereafter be imposed upon the tax collector by law. Sheriff may collect tax.

Sec. 2. *And be it further enacted,* That the said Sheriff in addition to the bond now required by law to be given as Sheriff, shall give a special bond as tax collector, which shall be payable and conditioned in all respects as the bonds now are or may hereafter be required by law to be given by tax collectors. To give bond.

Sec. 3. *And be it further enacted,* That should the Sheriff fail or refuse to comply with the requisitions of this act by the first Monday in February in each year, it is hereby made the duty of the Commissioners' Court, held on the said first Monday to elect or appoint a suitable person to collect said tax under the same restrictions and liabilities as aforesaid. Restrictions.

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Repeal.

*Sec. 4. And be it further enacted,* That all laws and parts of laws which contravene the provisions of this law, be, and the same are hereby repealed.

Approved, January 24, 1845.

# JOINT RESOLUTIONS AND MEMORIALS.

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## JOINT RESOLUTIONS

In regard to the Tennessee Canal.

WHEREAS, it appears from the Memorial of Messrs. James Irvin, James H. Weakly, and T. J. Foster, former Commissioners of the Tennessee Canal to the present Legislature, that they have removed the iron from the said Canal, and have sold a part, and placed the balance in the hands of persons to be sold for the benefit of those who have claims against the said canal. And whereas, no report has been made to the Governor or the Legislature by said Commissioners, showing the situation and balance of said iron, the quantity still on hand, the amount of the sales, and the disposition that has been made of the proceeds of said sales: and whereas, it is due alike to the interest of the State, and all having claims against the said Canal, that correct information be obtained as to the disposition that has been made of the said iron, and the condition of such as remains unsold:

*Be it therefore resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor of the State, be, and he is hereby authorized, to employ one or more persons to take possession of the iron that is unsold, to ascertain all the facts connected with the removal, sale, and situation of the said iron, and report the same to the Governor, that he may take such steps for the preservation and disposition of the said property, as in his judgment, the interest of the State requires, and his action in the premises, to communicate to the next Legislature.*

Approved, January 27, 1845.

## JOINT RESOLUTION

In relation to Indexing the Journals of the General Assembly.

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Secretary of State is hereby authorized and required to prepare an index for the journals of the two Houses, and to have the same annexed, in a printed form, to said journals.

Approved, January 25, 1845.

## JOINT RESOLUTION,

To extend the time of payment to the purchasers of Sixteenth Sections, and indebtedness to Sixteenth Sections on loans.

*Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That President and Directors of the State Bank of Alabama, and its several Branches, are hereby required to permit all persons indebted to the several Sixteenth Sections in this State, for the purchase money of the several Sixteenth Sections sold, to extend the notes now due, or running to maturity, during the year eighteen hundred and forty-five, until the first of March, eighteen hundred and forty-six, by paying the interest on the same, and giving additional security if deemed necessary: *Provided*, that on every renewal or extension of such debt, the notes shall bear eight per cent. interest.

Approved, January 27, 1845.

## JOINT RESOLUTION

Authorizing Samuel C. Oliver, to draw and receipt for the pay of Richard C. Bunting, deceased, late a member of the House of Representatives, from the County of Montgomery.

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Samuel C. Oliver, be, and he is hereby authorized to draw and receipt for the pay of Richard C. Bunting, deceased, a member of the House of Representatives from the County of Montgomery; and that the receipt of the said Samuel C. Oliver shall to all intents and purposes be as valid and binding, as though made by the said Richard C. Bunting, in person, were he living; any law, usage or custom, to the contrary notwithstanding.

Approved, 23d January, 1845.



## JOINT RESOLUTIONS

Of the General Assembly of the State of Alabama.

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, when any one of the Commissioners appointed by the Governor to value the real estate belonging to the State Bank and Branches, shall fail or refuse to act, the Governor shall have power forthwith to appoint one in his place; any law, usage or custom, to the contrary notwithstanding.

Sec. 2. *And be it further resolved,* That Commissioners hereafter to be appointed, or who may be hereafter appointed for the purpose of valuing said lands, shall receive five dollars per diem while engaged in their duties out of the State.

Approved, January 27, 1845.

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 JOINT RESOLUTION

For the relief of Dr. Ransom Warner.

WHEREAS, some time in the winter of eighteen hundred and forty-three, the small pox visited a portion of the County of Henry, in this State; and whereas, by an act passed the tenth day of February, eighteen hundred and seven, to prevent the importation and spreading of contagious diseases His Excellency the Governor was authorized to take such measures to prevent a communication of the infection, and for the aid and comfort of the sick when he knows of the existence of such maladies within the limits of the State, from his own knowledge or information of others: and whereas, that portion of the county aforesaid, scourged by the said disease, being so remote from Tuscaloosa; that considerable time necessarily elapsed before information of the existence of the small pox could reach the seat of government: and whereas, it so happened, that when the letter informing His Excellency that the small pox was raging in the said county of Henry reached this place, that His Excellency the Governor was temporarily absent: and whereas, to prevent the evils of such unavoidable delays, Dr. Ransom Warner did attend as physician, all those persons in the County of Henry afflicted with small pox; and continued to do so until it entirely disappeared: and whereas, before the persons appointed by His Excellency the Governor, had taken any steps to prevent the spread of the small pox, the said Ransom Warner had by his energy and skill, so checked said disease, as to render it unnecessary for them to adopt any measure in relation thereto: and whereas, with but one

or two exceptions, the persons so afflicted with said disease as aforesaid, are unable to remunerate the said Ransom Warner for the services bestowed:

*Therefore be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the sum of four hundred dollars, be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to compensate said Ransom Warner for his exertions in preventing the spread of the small pox in the County of Henry.*

Approved, January 1, 1845.

## JOINT RESOLUTIONS

Proposing amendments to the Constitution, providing for Biennial Sessions of the Legislature, and for other purposes.

*Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the following amendments to the Constitution of the State of Alabama, be proposed to the people of said State, which when agreed to by a majority of all the citizens of said State voting for Representatives, and ratified by two thirds of each House of the next General Assembly, voting by yeas and nays, shall be valid to all intents and purposes, as parts of the Constitution of the State of Alabama, to wit:*

Strike out the words "one year," where they occur in the second section of the third article, and insert in lieu thereof, "two years."

Strike out the words "every year," where they occur in the third section of the third article, and insert in lieu thereof, "every two years."

Strike out the word "annually," where it occurs in the fourteenth section of the third article, and insert in lieu thereof, "at each session."

Strike out the word "annual," where it occurs in the eighth section of the fourth article, and insert in lieu thereof, "biennial."

Strike out the word "annually," where it occurs in the twenty-third section of the fourth article, and insert in lieu thereof "biennially."

Strike out the thirteenth section of the third article, and insert in lieu thereof the following:

"At the first meeting of the General Assembly, after the adoption of the proposed amendments, the Senators when convened shall be divided by lot into two classes, as nearly equal as may be. The seats of the Senators of the first class shall be vacated at the expiration of the two next ensuing years; and those of the Senators of the second class, shall be vacated at the expiration of the four next ensuing years; so that one half may be biennially chosen thereafter, and a rotation thereby kept up perpetually."

Strike out the twenty-ninth section of the third article, which permanently locates the Seat of Government in this State.

2. *And be it further resolved*, That it shall be the duty of the several Sheriffs and other officers charged by law with the superintendence of the next General Election, to ask of each voter as he hands in his vote, "Are you in favor of Biennial Sessions of the Legislature?" and endorse his answer, "Yea" or "Nay," on the back of his ticket: and it shall further be the duty of the officer holding the election, to ask of each voter, "Are you in favor of removing the Seat of Government from Tuscaloosa?" and shall endorse his answer, "Yea" or "Nay," on the back of his ticket; and the several sheriffs shall make their returns of said election, within thirty days after the same has been held, to the Secretary of State, who shall communicate the same to the Speaker of the House of Representatives, within the first week of the succeeding session of the General Assembly. And for a breach in the performance of the duties herein prescribed, the Sheriff or other officer charged with the superintendence of said election, shall forfeit the sum of five hundred dollars, to be sued for and recovered as in cases of other forfeiture by public officers, to the State. And it is hereby made the duty of the Secretary of State, within sixty days after the said General Election, to notify the several Solicitors of the failure of such Sheriff or other officer.

3. *And be it further resolved*, That the Secretary of State shall cause these Resolutions to be published in one newspaper at the Seat of Government, at least three months before the next General Election: *Provided*, that each voter shall be permitted to vote for one of said amendments, and against the other, if he chooses to do so; and it shall be the duty of the officers holding the elections, to ask each question separate, and apart from the other, and shall be so recorded by the Clerks.

Approved, January 24, 1845.

## JOINT RESOLUTIONS

Authorizing the Governor to loan Tents and Camp equipage, to certain Volunteer companies therein named.

Section 1.. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Executive of the State of Alabama, be, and he is hereby authorized to grant to the Greensboro Cavalry, and the light Artillery Guards, the two military companies in the Town of Greensboro, Greene county, attached to the fourteenth Brigade of Alabama militia, the use of the

tents and camp equipage belonging to the State at that place, to be used by said companies on all occasions of Brigade or other encampments.

Sec 2. *And be it further resolved*, That the Governor be authorized to loan to the Volunteer Regiment of Mobile, so many of the tents belonging to the State, as to him may seem expedient.

Approved, January 17, 1845.

## PREAMBLE AND JOINT RESOLUTIONS

In relation to the Public Lands.

WHEREAS, the unappropriated Lands of the General Government, embraced within the chartered limits of the State of Alabama, are, with the exception of a small portion thereof, extremely poor and unsaleable : And whereas, by a reduction of the price and a prudent disposition of the same, portions of said Lands which will otherwise long remain unsold and unoccupied, can be rendered productive in furnishing small settlements to many indigent but valuable citizens : Therefore,

*Be it resolved by the Senate and House] of Representatives of the State of Alabama in General Assembly convened*, That sound policy dictates, that the Public Lands lying within the limits of this State, should at the earliest practicable period, become the property of her citizens.

*Be it further resolved*, That a gradual reduction of the price of the Public Lands, would contribute to their early settlement, and conduce to the general welfare of the country.

*Be it further resolved*, That our Senators in Congress be instructed, and our Representatives be requested to advocate and sustain, on all suitable occasions, the views herein set forth.

*And be it further resolved*, That the Governor of this State be requested to transmit a copy of the foregoing Resolutions, to each of our Senators and Representatives in Congress.

Approved, January 23, 1845.

## REPORT OF THE COMMITTEE ON FEDERAL RELATIONS,

On the Resolutions of the States of Massachusetts and South Carolina.

The Committee on Federal Relations to whom was referred resolutions from the State of Massachusetts, proposing to amend the Federal Constitution by striking out that portion of the third Clause, second Section, first Article, which apportions representatives and direct taxes, by adding to the free white inhabitants—"three fifths of all other persons;" together with the replies of the States of Kentucky, Maryland and Virginia; also resolutions of the State of South Carolina, in relation to the agent sent by Massachusetts to reside within her borders, to litigate the right of that State to prevent the ingress of free persons of color—deeply impressed with their serious import, have bestowed on them a calm and solemn consideration, and without division, either in feeling or opinion, have instructed me to recommend the adoption of the following Report and Resolutions :

It is well known to all, conversant with the history of the Convention, which adopted our present form of Government, that the "three fifths" rule of representation, gave rise to great debate and agitation in that body, and for a long while threatened its dissolution. The States represented in that Convention, were sovereign and independent; it was the right of each to determine the conditions on which it would enter into the Federal compact. The slaveholding States believing their interests and their rights required the existing rule of representation, insisted upon its adoption: on the other hand, it was strenuously resisted by a few of the States as unequal and unjust to those who held no slaves; and the clause as it now stands in the Constitution, was finally adopted against the vote of but two States—Massachusetts voting in the majority. The Constitution thus framed, was submitted to the States, and adopted by the people of *each*, and thus became the law of *all*.

The history of this provision of the Constitution therefore, shows that it was incorporated by the Convention as a *solemn stipulation*, and agreed to by the people of each of the thirteen States, in order to consolidate their union.

The Southern States surely can see nothing in the circumstance which now surround them, to cause their abandonment of a security so strenuously insisted on, when interference with their domestic institutions was merely a subject of philosophical speculation. Now, there exists in some of the States, a faction, yearly and rapidly increasing in power (stimulated by influences from abroad, and strengthened by political dissensions at home,) that seeks the total overthrow of the institutions of the South, careless of the means, and regardless of the consequences. Already it controls sixty thousand voters, not the less formidable, because governed by the spirit of a wild fanaticism; already it has shown itself strong enough to fill the Temple of Religion with discord.

and divide its altar: already it has entered into the Halls of Congress, and before its potent voice, the Representatives of the people have been driven into the adoption of a rule, which virtually submits the time and deliberation of that body, chosen to represent the interest of the whole Union, to the direction and disposal of those who seek its dissolution.

It is under such circumstances that the State of Massachusetts proposes to pluck from the Constitution its guarantee to the South!

Warned by Virginia that the proposition was regarded as an offer to dissolve the Union, she yet re-asserts it, and has transmitted to this State the following resolution of her Legislature, approved 16th March, 1844:

*“ Now therefore, Resolved, That the resolves of the Legislature of this Commonwealth do express the deliberate sentiments of the people of Massachusetts; that they do in truth and in good faith propose an amendment to the Constitution of the United States; that so far from containing a proposition virtually to dissolve the Union, THEY ASSERT A PRINCIPLE WHICH IS ESSENTIAL TO ITS STABILITY AND PERMANENCE: and to the assertion and maintenance of which, in every constitutional way, the people of Massachusetts always will hereafter, as they now do, firmly and conscientiously adhere.”*

It is a subject of painful reflection that in the very infancy of the Republic, the declaration has been published by the constituted authorities of a State celebrated for its revolutionary services, and conspicuous for the wealth and intelligence of its citizens, that the solemn stipulations of the Constitution must be violated, and its fundamental law changed in order to give *“ stability and permanence” to the Union.*

But the extraordinary course of Massachusetts does not stop here. As if determined to move on this question from every point, we learn from the Carolina Resolutions heretofore referred to, that Massachusetts—asserting her obligation to protect her citizens—has lately sent an agent to reside in that State, to litigate the validity of those laws, which she (in common with other States of the South) has enacted for the purpose of ensuring domestic tranquillity. Those laws prohibit the ingress of free negroes, and provide for the detention and safe custody of those who may enter her ports until the departure of the vessel in which they arrived.

Laws of a similar character have been enacted in this State, and form a part of our Penal Code, prepared with much care by our Judges, and adopted by this Legislature.

It is against this *domestic police* of the South, founded in the highest State necessity—and having no other end than peace and security—that Massachusetts under the weak plea of defending the rights of her colored population, who choose to enter our territories in defiance of our laws—sends her agents into our ports to proclaim amidst *ready listeners*, that

we have no legal power to establish guards for the peaceable subjection of one portion of our community and the happiness and safety of the whole.

Upon this subject the Committee offer no argument, for if they properly appreciate the sentiments of this Honorable body, it would be regarded as more than superserviceable.

The State of South Carolina has the same authority for the enactment of these laws, as she would have—"to provide precautionary measures against the moral pestilence of paupers, vagabonds or convicts,"—or to "guard against the physical pestilence which may arise from a ship, the crew of which may be laboring under an infectious disease." It is a right never to be yielded up until she forfeits her identity as a State, "*to exclude from her borders all persons whose admission would endanger her safety and security.*"

*Be it therefore resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That they regard the proposition of Massachusetts to amend the Constitution, and her declaration that this is necessary to the "stability and permanence" of the Union, as a determination that she is both willing and ready to dissolve our political compact.*

*Resolved, That the Federal Constitution resulted from compact between the several States ;—that it was founded in compromise of the various interests which distinguished them ;—that the question of Representation was adjusted by the Convention upon equitable principles ;—and that Alabama will neither relinquish this right on the request of one State, nor at the bidding of any greater number.*

*Resolved, That the repeal of the twenty-fifth Rule by the present session of Congress, was a weak and truckling submission to the spirit of Fanaticism ; and it adds another and important triumph to the Faction, which now fortified in the Halls of legislation may dispatch its fiery arrows over every section of our confederacy.*

*Resolved, That we sympathize with the patriotic spirit of the Legislature of South Carolina, which so promptly resisted the insolent attempt to disturb her domestic tranquillity.*

"The power of slavery belongs to the States respectively"—"it is local in its character and effects,"—"each State has a right to guard its citizens against its inconveniences and dangers." The right to exercise this power by a State *is higher and deeper than the Constitution.* "The evil involves the prosperity and may endanger the existence of a State." Its power to guard against or to remedy the evil rests upon the law of self-preservation ; a law vital to every community and especially to a sovereign State."

*Resolved, That the Governor be requested to transmit copies of this report and resolutions to the Governors of the other States of the Union, with a request that they should be laid before their respective Legislatures—and that copies be also forwarded to our delegation in Congress.*

Approved, January 27, 1845.

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## JOINT MEMORIAL

To the Congress of the United States, on the subject of a National Foundry at the South.

*To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:*

The memorial of the General Assembly of the State of Alabama, respectfully represent, they have observed with gratification the efforts that were made during the last session of Congress to obtain the location of a National Foundry at the South. The justice and good policy of distributing as much as possible amongst the different States of the Union, the benefits to be derived from the necessary expenditures of the Government, and of giving to each equal advantages, when it is not inconsistent with the common good, is very apparent, and will be generally admitted.

It is equally apparent however, that the South has heretofore been singularly neglected, and lest an ignorance of the peculiarly favorable advantages she possesses for the location of public works of the nature contemplated in this memorial, may be plead for its continuance, we beg leave to bring to your notice the following facts.

A system of internal improvement began and carried on with great vigor and success in the States of South Carolina and Georgia, and about to be carried forward in the State of Alabama, intended to unite the great western rivers with the Atlantic sea coast and the Bay of Mobile, will open and render easy of access to the whole seaboard from the Chesapeake Bay to the mouth of the Mississippi, one of the finest mineral regions in the world. Without a desire to prejudice the claims of locations in neighboring States, we would call your attention particularly to the fact of the existence of extensive beds of iron ore of superior quality, lying in contiguity with inexhaustible deposits of Coal in the north-eastern counties of Alabama. These ores can be obtained in abundance, convenient to water power, sufficient for every purpose, for which they may be desired. And we doubt whether any section of our widely extended country, presents localities for a cheap and rapid supply of the infinite varieties of articles to which the use of iron is applied, superior, if equal to this.



We would further represent that this fine mineral region hitherto so inaccessible, is soon to be brought into convenient distance to all the naval and military depots of the South; a continuation of Rail Road and river improvements centering in the Coosa Valley, and radiating to all points of the compass, will give it advantages unsurpassed by any portion of our happy country.

In view of these facts therefore, the General Assembly pray your honorable bodies to take into serious consideration the propriety of establishing a National Foundry at the South. Therefore,

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to carry out the views contained in the foregoing preamble and resolution; and that His Excellency the Governor cause copies of this Preamble and Resolution to be forwarded to each of our Senators and Representatives in Congress.

Approved, 24th January 1845.

## JOINT RESOLUTIONS

Of the General Assembly of the State of Alabama.

WHEREAS, we believe it to be proper and right, that the Representative should from time to time, be advised of the opinions and wishes of his Constituents: and whereas, we regard the present time peculiarly proper for the expression of such opinions; now therefore,

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That we hold it to be true, that the American people, after full deliberation, have decided against any amendment to the Constitution, altering or abolishing the Veto Power.

2. *Resolved,* That the scheme of distributing the proceeds of the sales of the Public Lands among the several States, has, as it should have done, met the condemnation of an indignant people.

3. *Resolved,* That unjust and unequal taxation, in the form of a high Protective Tariff, has met no favor at the hands of the people, and and we hail, with the highest satisfaction this evidence of the soundness of public opinion.

4. *Resolved,* That the Tariff Act of eighteen hundred and forty-two, is in the highest degree oppressive and burdensome, taxing the many for the benefit of the few, oppressing the poor and favoring the rich, blighting the prospects of the South, and creating dangerous sectional divisions and jealousies.

5. *Resolved*, That the people of Texas are entitled *of right* to a place among the nations of the earth. Her revolutionary struggle established her independence, and undisputed possession of the territory for a period of more than eight years, has demonstrated her ability to maintain that independence.

6. *Resolved*, That neither Mexico nor England, nor any other power has a right to complain if Texas should be annexed to this Union; and we hold it to be our duty, to resist, to the uttermost extremity, all foreign interference.

7. *Resolved*, That wisdom, sound national policy, safety at home, and power and respectability abroad, all demand the immediate annexation of Texas to this Union.

8. *Resolved*, That a National Bank is unconstitutional and inexpedient.

9. *Resolved*, That the true policy of the United States requires that the joint occupancy of Oregon by the United States and England should cease: *And resolved*, that the title of the United States to the Territory of Oregon, is clear and indisputable.

10. *Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to advocate and sustain, on all suitable occasions, the views and opinions herein set forth.

11. *Resolved*, That the Governor of this State, be requested to transmit a copy of the foregoing Preamble and Resolutions, as early as may be, to each of our Senators and Representatives in Congress, and a copy to the Governor of each State in the Union, with a request that it be laid before the Legislature of his State.

12. *Resolved*, That in the admission of new States into the Union, no other condition should be required of them than was required prior to the admission of Missouri: and that admission on any other terms, would be a compromise of the rights and interest, and would endanger the security of the Southern States of this Union.

13. *Resolved*, That the purpose for which impost duties can be levied, is limited by the Federal Constitution, to "revenue only," and that in the imposition of duties, they should be adjusted with the sole view of producing revenue; and that the power to discriminate for protection finds no warrant in that instrument.

Approved, 27th January, 1845.

## JOINT MEMORIAL

To the Congress of the United States, asking a right of way over, certain sections of the public lands, for the Tennessee and Coosa Rail Road Company.

YOUR memorialists, would respectfully represent, that a moiety of the two per cent. fund relinquished by Congress to the State of Alabama, has been offered by this Legislature as a loan to a company for the construction of a Rail Road, to connect the waters of the Tennessee and Coosa rivers; they believe this road will greatly facilitate and promote the intercourse between the northern and southern sections of our State, as contemplated by Congress in relinquishing said fund; and furthermore will consummate the connection of the Atlantic seaboard with the Mississippi river, by means of steam conveyance. They regard this work as of great importance in a social, commercial, and national point of view; and deserving such aid as is competent and proper for Congress to furnish.

Your memorialists would further represent, that said sum is insufficient to build said road, but that individuals of large capital and liberal public spirit have offered to co-operate with the State in achieving said improvement.

Your memorialists would further represent, that the contemplated road will pass through a portion of the State, containing a large body of public lands, that have been long in the market, but owing to their sterility, will not sell for the minimum price of the General Government.

In consideration of the importance of this work, the generous and enlightened enterprise of those private citizens, who are willing to invest their money for its accomplishment, and the unsaleable character of those public lands; your memorialists ask Congress to pass a law, granting a free *right of way* over said public lands, and alternate sections of the same, on the line of said road, for the use and benefit of the Tennessee and Coosa Rail Road Company. This land although valueless for other purposes will afford a good supply of timber, and other materials for the construction of said Rail Road.

1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That our Senators in Congress be instructed, and our Representatives requested, to aid in effecting the object of the foregoing memorial.

2. *And be it further resolved*, That the Governor be requested to transmit a copy of the foregoing Memorial and Resolutions to each of our Senators and Representatives in Congress.

Approved, January 27, 1845.

## JOINT RESOLUTION

Of the Senate and House of Representatives, requiring certain duties therein described, to be performed by the Secretary of State.

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Secretary of State, be, and he is hereby required to deposit in the Library of the University, two copies of the Statute Laws of Alabama, and two copies of each volume of the Reports of the Supreme Court of the State, now and hereafter to be published.

Approved, January 27, 1845.

## A MEMORIAL AND JOINT RESOLUTIONS

Of the General Assembly of the State of Alabama to the Congress of the United States.

WHEREAS, by an act of the Congress of the United States, approved, July fifth, eighteen hundred and thirty-eight, a certain tract of land therein mentioned, upon which is situated the Town of Cedar Bluff, was granted to Cherokee County, at the minimum price of the Public Lands, for the purpose of a County Seat: And whereas, many citizens of said county, relying upon the former action of this Legislature, which located the seat of Justice for said county at Cedar Bluff, have expended much of their property and means in the erection of valuable improvements thereon: And whereas also, before the said land was entered and paid for by the said County of Cherokee, pursuant to the said act of Congress, the County Seat for said county was removed from the said Town of Cedar Bluff, the said Town no longer being the County Seat of said county, and the object for which said grant was made being thereby defeated, and no person having any authority now to enter the said tract of land, the same will fall back to the Government of the United States, and become a part and parcel of the unappropriated public domain, and subject to sale to the highest bidder. This General Assembly, deeply impressed with a proper regard for the interest and condition of the said citizens of said Town, whose rights have been taken from them, not by any act of theirs, but by the operation of the laws of this State, would respectfully ask of the Congress of the United States, the passage of a law securing to the citizens of said Town, their property and improvements: Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That our Senators be instructed, and our Representatives requested, to use all laudable efforts to procure the passage of a law by Congress, conferring

upon the citizens of said county, who are the owners of improvements in said Town, a right of entering the said tract of land, at the minimum price of the public lands, so provided, that in the division, each citizen may have his own improvements.

*And be it further resolved*, That His Excellency, the Governor, shall forward to each of our Senators and Representatives in Congress, a copy of the foregoing Preamble and Resolutions.

Approved, 25th January, 1845.

## JOINT RESOLUTIONS

### On the Repudiation of State debts.

The Committee on Federal Relations, to whom was referred resolutions of the States of Georgia and Connecticut, on the subject of repudiation, have unanimously instructed me to report, that they have given the subject of these resolutions an attentive consideration, and in full view of the heavy debt under which this State now struggles, and of the onerous taxation necessary to its protection, they are yet firm in the belief that the citizens of Alabama will redeem the plighted faith of their State, at any and every cost. The Committee therefore recommend the adoption of the following resolutions :

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the preservation of national faith is the only guaranty for stable government : that its violation leads to the dissolution of the political compact, and amidst anarchy which denies all obligation but such as force imposes. The great truth will again be proclaimed, that a people to be prosperous must be virtuous.

*Resolved*, That in the possession of a territory rich in mineral resources, admirably adapted to the production of the great staple of the South, abundantly supplied with water power for all manufacturing purposes, provided in an extraordinary degree with the commerce of accessible markets, and blessed with every variety of soil and climate, the people of Alabama are not only willing but able to maintain the high honor and credit which this State has always enjoyed.

*Resolved*, That this State concurs in the resolutions of the States of Georgia and Connecticut, denouncing the repudiation of debts by the States, and that the Governor be requested to forward a copy of the foregoing resolutions, to the Governor of each of the several States, with a request that he would cause the same to be laid before their respective Legislatures.

Approved, 27th January, 1845.

## JOINT RESOLUTIONS

Of the Senate and House of Representatives of the State of Alabama,  
upon the subject of Postage.

WHEREAS, serious inconvenience has resulted to the citizens of this State from the existing rates of postage on letters: And whereas, we believe that the Post-office charges should be regulated by the national currency: Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to modify the present charges on letters, so as to comport with our national currency.

*Resolved further,* That the Governor be requested to transmit a copy of this Preamble and Joint Resolutions to each of our Senators and Representatives in Congress.

Approved, January 1, 1845.

## JOINT RESOLUTIONS

For the benefit of the Morgan Cavalry.

*Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Executive of this State, be, and he is hereby authorized to grant to the Morgan Cavalry, in the County of Morgan, the use of twelve Tent Cloths, belonging to the State at that place, to be used by said company on all occasions of Brigade and other encampments.

Approved, 25th January, 1845.

## JOINT RESOLUTIONS

For the relief of James V. Robinson.

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That His Excellency, the Governor be authorized to issue a patent to James V. Robinson, for lot number eight, in the sixteenth section, in township seventeen, and range twenty-two, in the County of Macon, containing forty acres, as designated by the survey of said section: *Provided,* that it shall appear to the satisfaction of the Governor, that the said James V. Robinson has paid the purchase money for which said land was sold.

Approved, 25th January, 1845.

DEPARTMENT OF STATE, }

*Tuscaloosa, Ala., February 19, 1845.* }

I have carefully examined the foregoing Acts, Resolutions and Memorials, and find them to be correct copies of the original rolls, deposited in this office.

W. GARRETT,

*Secretary of State.*

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